Pender County
Planning and Community Development

805 S. Walker Street
PO Box 1519
Burgaw, NC 28425

Phone: 910-259-1202
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www.pendercountync.gov

AGENDA
Pender County Planning Board
Wednesday, July 6, 2016 7:00 p.m.
Pender County Public Meeting Room
805 S. Walker Street, Burgaw, North Carolina

Call to Order: Chairman Williams

Roll Call: Chairman Williams
Pender County Planning Board Members:
Williams: __ Fullerton __ Baker: __ Carter: __ Edens: __ McClammy: __ Nalee: __

1. **Adoption of the Agenda:**

2. **Adoption of the Minutes: (June 7, 2016 Work Session and Meeting)**

3. **Public Comment:**
   (Public Hearings Open)
4. **Zoning Map Amendment:**
   Coleman Parks, applicant, on behalf of Beach Front Properties, owner, is requesting approval of a Zoning Map Amendment of one (1) tract totaling approximately 219.5 acres from RA, Rural Agricultural zoning district to RP, Residential Performance zoning district. The subject property is located to the northwest of Island Creek Road (SR 1002) approximately seven tenths of a mile (± 0.7 miles) to the southwest of the intersection of NC HWY 210 and Island Creek Road (SR 1002) in the Topsail Township and may be further identified by Pender County PIN: 3263-73-0614-0000.

5. **Comprehensive Plan Amendment:**
   Live Oak Development, applicant, on behalf of Kevin Mills et al, owner, is requesting the approval of an amendment to the 2010 Pender County Comprehensive Land Use Plan, Future Land Use Map, for one (1) tract totaling approximately 5.53 acres from Rural Growth future land use designation to Mixed Use future land use designation. The subject property is located along the east side of Old Whitfield Road (SR 1726) and Machine Gun Road (private) approximately 1,200 feet west of US HWY 17 in the Topsail Township and may be further identified by Pender County PIN: 4215-23-1857-0000.

Anyone wishing to address the **Pender County Planning Board** shall make a request on the "Public Comment" **sign-up sheet. Please provide the information requested.**

If you wish to speak on ***a specific public hearing item***, please sign-in on the appropriate "Public Hearing" **sign- up sheet.** Speakers will be allowed to speak *prior* to any action/vote taken by the Board.

***A time limit of two minutes per speaker or up to ten minutes for groups of five or more, with a designated speaker will be imposed.**

6. **Zoning Map Amendment:**
Live Oak Development, applicant, on behalf of Kevin Mills et al, owner, is requesting the approval of a Zoning Map Amendment of one (1) tract totaling approximately 5.53 acres from RP, Residential Performance zoning district to GB, General Business zoning district. The subject property is located along the east side of Old Whitfield Road (SR 1726) and Machine Gun Road (private) approximately 1,200 feet west of US HWY 17 in the Topsail Township and may be further identified by Pender County PIN: 4215-23-1857-0000.

7. **Master Development Plan Revision and Preliminary Plat Phase II:**
Ksade Ventures LLC, applicant, on behalf of Jeffery Beaudoin, owner, is requesting a revision to the previously approved Master Development Plan (Case 10017) and Preliminary Plat for Phase II of the mixed-use development proposal known as Hampstead Commons. Specifically, this request for Phase II is to add seventy-two (72) single-family residential lots on ± 24.00 acres to the existing Master Development Plan with the approved commercial use located on ± 4.55 acres. The subject properties are zoned PD, Planned Development zoning district. The properties are located to the north east of the residential subdivision known as Villages at Olde Point, south east of Transfer Station Road (SR 1695), south of the residential subdivision known as Belvedere, and west of Country Club Drive (SR 1565) in the Topsail Township and may be further identified by Pender County PINs: 4203-35-3583-0000 and 4203-26-9269-0000.

8. **Zoning Map Amendment:**
Stroud Engineering, applicant, on behalf of Jack Stocks, owner, is requesting the approval of a Zoning Map Amendment for approximately 11.18 acres of one (1) tract totaling approximately 162.72 acres from the PD, Planned Development zoning district to the RP, Residential Performance zoning district. The portion of the subject property is located on the south and east of Carver Road (SR 1437) approximately 2,880 feet west of the intersection with NC 133 and Carver Road (SR 1437) in the Rocky Point Township and may be further identified by Pender County PIN: 3223-53-8360-0000.

9. **Zoning Text Amendment:**
Stroud Engineering, applicant, is requesting a Zoning Text Amendment to the Pender County Unified Development Ordinance, Section 5.2.3 Table of Permitted Uses. Specifically, the amendment proposed is to allow borrow pit sand mining (NAICS 212321) as an allowable use in the PD, Planned Development zoning district in conjunction with an approved Master Development Plan. A detailed description of the proposed changes is available in the Pender County Planning Department offices.
(Public Hearings Closed)

10. **Discussion Items:**
    a. **Planning Staff Items:**
        i. Zoning Text Amendment Update:
        ii. Comprehensive Land Use Plan Update:
        iii. TRC Update:

    b. **Planning Board Members Items:**

11. **Next Meeting:** August 2, 2016

12. **Adjournment:**

PLANNING STAFF REPORT
ZONING MAP AMENDMENT

SUMMARY:

Hearing Date:	June 7, 2016 Planning Board (First Hearing) July 6, 2016 Planning Board (Second Hearing) August 15, 2016 Board of Commissioners
Applicant:	Coleman Parks
Property Owner:	Beach Front Properties
Case Number:	ZMA 226-2016

Rezoning Proposal: Coleman Parks, applicant, on behalf of Beach Front Properties, owner, is requesting approval of a Zoning Map Amendment of one (1) tract totaling approximately 219.5 acres from the RA, Rural Agricultural zoning district to the RP, Residential Performance zoning district.

Property Record Number, Acreage, and Location: The subject property is located to the northwest of Island Creek Road (SR 1002) approximately seven tenths of a mile (± 0.7 miles) to the southwest of the intersection of NC HWY 210 and Island Creek Road (SR 1002) in the Topsail Township and may be further identified by Pender County PIN: 3263-73-0614-0000.

RECOMMENDATION

The application is for a zoning map amendment of one (1) tract totaling approximately 219.5 acres from RA, Rural Agricultural zoning district to RP, Residential Performance zoning district. As submitted, the request complies with all but one of the criteria set forth in Section 3.3 Review Criteria for Rezoning of the Pender County Unified Development Ordinance and is consistent with one (1) goal and two (2) policies of the 2010 Comprehensive Land Use Plan. The portion of the Unified Development Ordinance this request is inconsistent with is 3.3.1 (E) which states that the request must show substantial compliance with the goals and policies of the Comprehensive Land Use Plan. Because the Future Land Use map has this parcel designated partially as Rural Growth, the request is not fully consistent. Due to available access to water service, however, the property identifies more closely with the Suburban Growth future land use designation. For this reason the Administrator respectfully recommends approval despite the conflict with the Future Land Use Map.

HISTORY

The designation of the subject property is RA, Rural Agricultural zoning district. The property is currently undeveloped. The Planning Board heard this case for the first time at their meeting on June 7, 2016. No members of the Planning Board made a motion to recommend the zoning map amendment to the Board of Commissioners. Section 3.3.6 (D) of the Unified Development Ordinance states that if the Planning Board fails to make a recommendation within 75 days following the date of the first hearing on the request, the County Commissioners may process the request without a recommendation.

DESCRIPTION

Coleman Parks, applicant, on behalf of Beach Front Properties, owner, is requesting approval of a Zoning Map Amendment of one (1) tract totaling approximately 219.5 acres from the RA, Rural Agricultural zoning district to the RP, Residential Performance zoning district. The subject property is located to the northwest of Island Creek Road (SR 1002) approximately seven tenths of a mile (± 0.7 miles) to the southwest of the intersection of

NC HWY 210 and Island Creek Road in the Topsail Township. The easement referred to as W.O. Johnston Blvd. is directly to the east of the property.

The minimum acreage to rezone to RP, Residential Performance zoning district is five (5) acres according to Section 4.14 of the Pender County Unified Development Ordinance. This request is in compliance as there are approximately 219.5 acres requested for the Zoning Map Amendment.

Access
The property has approximately 950 feet of direct access to Island Creek Road (SR 1002). There is currently no site access on the subject property and any improvements or driveway permit is subject to review and approval by NCDOT at the time of a development application. W.O. Johnston Avenue is located on the eastern side of this property. This is a private road.

Utilities
Public water is available at the subject property through Pender County Utilities, however no public wastewater service is available. Any final zoning approvals are contingent upon review and approval by Pender County Utilities and the Environmental Health Department.

Environmental Concerns
There appears to be wetlands located on the property. The specific regulations for wetlands are subject to review and approval of the Army Corps of Engineers.

There are Special Flood Hazard Areas (SFHA) on the northern portion of the parcel according to FEMA Flood Insurance Rate Map Number 3720321400J, adopted February 16, 2007. In the DFIRMS preliminary maps released in August 2014, the northern portion of the property continues to be designated in a SFHA. Any development will require compliance with the Flood Damage Prevention Ordinance prior to building permit issuance. All applicable state, federal and local agency permits are required prior to the issuance of final zoning for any development proposal.

EVALUATION
A) Public Notifications: Public Notice of the proposal for a map change has been advertised in the Pender-Topsail Post and Voice. Adjacent property owners have been given written notice of the request, and a public notification sign has been placed on the property.
B) Existing Zoning in Area: The existing zoning on the subject parcel is RA, Rural Agricultural zoning district. Directly adjacent to this property to the north and east is zoned RP, Residential Performance zoning district. All properties to the south and west are zoned RA, Rural Agricultural zoning district. Across Island Creek Road (SR 1002) to the southwest there is one parcel zoned PD, Planned Development zoning district.
C) Existing Land Use in Area: The parcel is currently undeveloped. The Cross Creek Subdivision is to the east of the subject property, which makes a good argument to support the requested zoning map amendment. There is no development to the north, south or west of the property at this time.
D) 2010 Comprehensive Land Use Plan: The 2010 Comprehensive Land Use Plan designates the subject property as Suburban Growth and Rural Growth. The Suburban Growth land use classification identifies those areas of Pender County where significant residential growth is expected to occur within the planning horizon. Areas designated as Suburban Growth are located primarily adjacent to municipal planning jurisdictions and within or near high growth, un-incorporated areas of the County. Suburban Growth designates areas where public water and public sewer are available or are planned in the near future. Uses that would typically be allowed in Suburban Growth areas include medium-high density residential (single-family site-built and modular homes); limited non-residential uses (commercial, office, or public/institutional) that meet locational criteria. Locational criteria for non-residential uses include frontage and access to a major State highway or secondary

road, location at a major intersection, proximity to similar uses, and spatial separation from non-compatible uses such as existing residential development The Rural Growth land use classification defines those areas of Pender County where urban services i.e., public water and sewer services, are not expected to be extended within the planning horizon. Rural Growth areas are where preservation of agricultural operations is a primary concern and where conflicts between agricultural and non-agricultural uses are to be discouraged. Uses that would typically be allowed in Rural Growth areas include low density residential, low impact commercial, civic and agricultural uses.

This General Use Rezoning is consistent with one (1) goal and two (2) policies of the 2010 Comprehensive Land Use Plan and conflicts with Section 3.3.8 C of the Unified Development Ordinance. This conflict is only between the portions of the Future Land Use Map showing the property as Rural Growth, which is not compatible with the RP, Residential Performance zoning district.

The following goals and policies within this plan may be relevant to support the proposed Conditional Zoning map amendment;

Goal 1A.1: Manage the physical growth and development of Pender County by promoting more intensive land uses in key locations identified for such growth while preserving and protecting the unique physical character and social assets of the predominant rural lifestyle and coastal environment that makes the County a unique place to live.

Policy 1A.1.1 Encourage development in and around municipal corporate limits and other developed areas within the County to yield a more compact pattern of development that will reduce suburban/rural sprawl.

Policy 1A.1.2 Encourage development in areas where the necessary infrastructure – roads, water, sewer, and schools - are available, planned or can be most cost effectively provided and extended to serve existing and future development.

E) Unified Development Ordinance Compliance: Article 3.3 of the Unified Development Ordinance provides for standards that shall be followed by the Planning Board before a favorable recommendation of approval for a rezoning can be made.

3.3.8 Review Criteria for Rezoning

The Planning Board and Board of Commissioners shall consider the following matters in considering a rezoning request:

A Whether the range of uses permitted by the proposed change would be appropriate to the area concerned (including not being detrimental to the natural environment, not adversely affecting the health or safety of residents or workers in the area, not being detrimental to the use or development of adjacent property, and not materially or adversely affecting the character of the general neighborhood);

B Whether adequate public facilities/services (i.e., water, wastewater, roads) exist, are planned, or can be reasonably provided to serve the needs of any permitted uses likely to be constructed as a result of such change;

C Whether the proposed change is consistent with the County's Comprehensive Land Use Plan and CAMA Land Use Plan or any other adopted land use document.

D Whether the proposed amendment is reasonable as it relates to the public interest.

The request is partially inconsistent with the criteria for general use rezonings outlined in UDO Section 3.3.1 (E). This requirement states that a rezoning application must show substantial compliance with the goals and policies of the Comprehensive Land Use Plan. It should be noted that there is a conflict with this request in the Pender County Comprehensive Land Use Plan regarding the Future Land Use designation for the tract because it is partially designated Suburban Growth and partially designated Rural Growth (The parcel has two designations).

There are no conflicts with the proposed map amendment under the Suburban Growth designation, however the Rural Growth future land use designation is inconsistent with the RP, Residential Performance zoning district. The Rural Growth land use classification defines those areas of Pender County where urban services i.e. public water and sewer services are not expected to be extended within the planning horizon. Rural Growth areas are where preservation of agricultural operations is a primary concern and where conflicts between agricultural and non-agricultural uses are to be discouraged. This description conflicts with the definition of the Residential Performance zoning district in the Unified Development Ordinance, which is intended to allow a variety of residential uses and densities and also limited commercial activities as well as agritourism. Existing or new agricultural and farm uses shall be allowed on undeveloped land prior to development.

RECOMMENDATION

The application consists of a zoning map amendment request for approximately 219.5 acres from RA, Rural Agricultural zoning district to RP, Residential Performance zoning district. As submitted, the request complies with all but one of the criteria set forth in Section 3.3.8 of the Pender County Unified Development Ordinance and is consistent with one (1) goal and two (2) policies of the 2010 Comprehensive Land Use Plan. The request conflicts with Section 3.3.8 C of the Unified Development Ordinance due to the definition of the proposed RP, Residential Performance zoning district and the definition of the Rural Growth portion of the future land use classification. Staff is favorably recommending this zoning map amendment, recognizing that it is an appropriate time for a comprehensive update to the Future Land Use Map and Comprehensive Land Use Plan.

BOARD ACTION FOR GENERAL USE REZONING REQUEST

The Planning Board heard this case for the first time on June 7, 2016 and no motion was made for approval or denial.

Motion: _____ Seconded: _____

Approved: _____Denied: _____Unanimous: _____

Williams: ___ Fullerton: ___ Baker: ____ Carter:_____Edens: ____ McClammy: ____ Nalee: ___

APPLICATION FOR REZONING (Zoning Map Amendment)

THIS SECTION FOR OFFICE USE			
Application No.	ZMA 226-2016	Date	4/21/2016
Application Fee	$ 2,740.00	Receipt No.	#135
Pre-Application Conference	4/2016	Hearing Date	6/7/2016

SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	COLEMAN PARKS	Owner's Name:	BEACH FRONT PROPERTIES (GREG GOSNELL)
Applicant's Address:	214 BARNACLE CIR	Owner's Address:	AMR COMMERCIAL 4849 RUGBY AVE #200
City, State, & Zip	LEXINGTON SC 29072	City, State, & Zip	BETHESDA, MD 20814
Phone Number:	805 960-8991	Phone Number:	301 922 9116
Legal relationship of applicant to land owner:	CONTRACTUAL INTEREST		

SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	3263-73-0614	Total property acreage:	229
Current Zoning District:	RA	Proposed Zoning District:	RP
Project Address:	ISLAND CREEK ROAD		
Description of Project Location:	NORTHWEST CORNER of ISLAND CREEK ROAD AND W. O. JOHNSTON AVENUE		

SECTION 3: SIGNATURES			
Applicant's Signature	[signature]	Date:	4/21/16
Owner's Signature	BEACH FRONT PROPERTIES [signature]	Date:	4/21/16

NOTICE TO APPLICANT

1. Applicant must also submit the information described on the Rezoning Checklist.
2. Applicant or agent authorized in writing must attend the public hearing.
3. Once the public hearing has been advertised, the case will be heard unless the applicant withdraws the application or unless the Planning Board or other authorized person agrees to table or delay the hearing.
4. All fees are non-refundable
5. A complete application packet must be submitted prior to the deadline in order to be placed on the next Planning Board Agenda

200-AC [redacted]

2740

Rezoning/Zoning Map Amendment Checklist

☑	Signed application form
☑	Application fee
☑	A list of names and addresses, as obtained from the county tax listings and tax abstract, all adjacent property owners, including property owners directly across any road or road easement, and owners of the property under consideration for rezoning.
☑	Two (2) business size envelopes legibly addressed with first class postage for each of the adjacent and abutting property owners on the above list.
☑	Accurate legal description or a map drawn to scale showing the property boundaries to be rezoned, in sufficient detail to for the rezoning to be located on the Official Zoning Map.
☑	18 (11"x17") map copies to be distributed to the Planning Board
☑	20 (11"x17") map copies to be distributed to the Board of Commissioners
☑	Digital (.pdf) submission of all application materials
☑	A description and/or statement of the present and proposed zoning regulation or district boundary and stating why the request is being made and any information that is pertinent to the case. If the owner and applicant are different, the letter must be signed by both parties.

Office Use Only

X	ZMA Fees: ($500.00 for first 5 acres; $10/acre thereafter up to 1,000 acres; $5/acre thereafter)	Total Fee Calculation: $ 2,740 —

Attachments Included with Applications (Please include # of copies)

CD /other digital version	☐ Y ☐ N	Plan Sets	# of large	# of 11X17	Other documents/Reports	☐ Y ☐ N

Payment Method:	Cash: ☐ $_____	Credit Card: ☐ Master Card ☐ Visa	Checks: X Check # _____
Application received by:	PKOrly		Date: 4/21/16
Application completeness approved by:	[illegible]		Date: 4/26/16

Dates scheduled for public hearing:
- ☐ Planning Board: 6/7/16
- ☐ Board of Commissioners: 7/5/16

RETURN COMPLETED APPLICATION TO:
Pender County Planning & Community Development
805 South Walker Street
P.O. Box 1519
Burgaw, NC 28425

Print Form

REZONING DESCRIPTION

The property is in an active development area of Hampstead, currently zoned RA, applicant is requesting RP zoning to build a single family residential subdivision.

BEACH FRONT PROPERTIES

COLEMAN PARKS

BY:

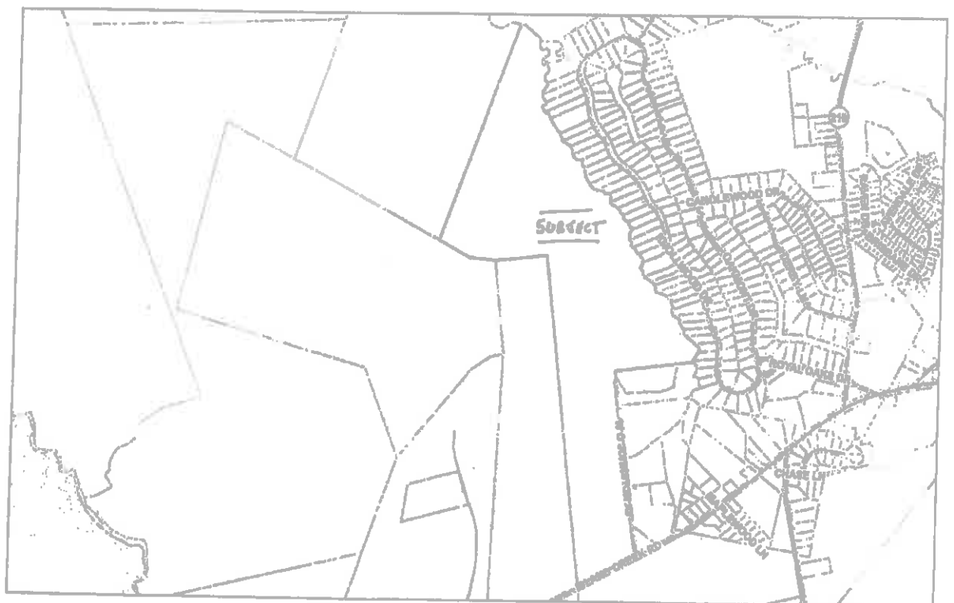
Exhibit A BK1181PG100

Lying and being in Topsail Township, Pender County, North Carolina and more particularly described as follows:

BEGINNING at a concrete monument located in the Southern edge of Spring Branch, said monument being located about 100 yards Eastwardly and up the run of said Spring Branch from Westbrook's boat landing and also being the Northernmost corner of Lot No. 2 and the Northeast corner of Lot No. 1 of the W. O. Johnston Division as shown on a map of same recorded in Book 1, Page 450 of the Pender County Registry; thence from the point of Beginning, along G. P. Simpson's Eastern line (Eastern line of said Tract No. 1), South 26 degrees 39 minutes 50 seconds West 3,263.5 feet to a concrete monument in a ditch; thence, along said ditch, South 54 degrees 29 minutes 10 seconds East, 519.87 feet to a concrete monument; thence South 77 degrees 04 minutes 20 seconds East, 370.42 feet to a concrete monument; thence, North 89 degrees 48 minutes 30 seconds East 749.14 feet to a concrete monument, a corner of International Paper Company; thence along International Paper Company line, South 00 degrees 3 minutes 30 seconds West 1,220.87 feet to a concrete monument; thence, along the center of a dirt road, the centerline of an easement recorded in Book 501, Page 84 of the Pender County Registry, South 00 degrees 07 minutes 30 seconds East 3,530.17 feet to a P.K. nail in the centerline of Secondary Road #1002, (60 foot right of way); thence, along the centerline of said secondary road, North 67 degrees 42 minutes 50 seconds East 957.3 feet to a P.K. nail in the centerline of said road; (said P.K. nail being located Southwestwardly 0.5 mile from the intersection of Secondary Road #1573 as measured along Secondary Road #1002) thence, along the Eastern edge of the Old W. O. Johnston Avenue, North 01 degrees 15 minutes 40 seconds West 2,672.56 feet to an iron pipe, the Northwest corner of a 12.5 acre tract described in Book 626, Page 9 of the Pender County Registry; thence along the Northern line of said tract North 89 degrees 28 minutes 40 seconds East 1,150.66 feet to an iron pipe at the edge of Spring Branch, (Northeast corner of said 12.5 acre tract); thence, to and along the run of Spring Branch in a Northwesterly direction to the point of BEGINNING.

The above being Lots 2, 3, 4, 7 and 8 of the Estate of W. O. Johnston and according to a map of same recorded in Book 1, Page 447 of the Division of Dowers in the Registry of the County and State aforesaid, excepting that portion which is within the right of way of Secondary Road #1002 (30 feet from centerline) and containing 224 acres, more or less.

D:\WP51\REAL\BEACH



PIN: 3863-73-0014-0000
Owner: BEACH FRONT PROPERTIES
8713 CRIDER BROOK WAY
POTOMAC, MD 20854
Deed Ref: [illegible]

Property Address: ISLAND CREEK RD

Sale Price: $Null
Sale Date: [illegible]
Plat: NOPLAT
Account No: [illegible]
Township: TOPSAIL
Subdivision:
Tax Codes: G01 F29 R40

Acres: [illegible]
Land Value: [illegible]
Building Value: [illegible]
Total value: [illegible]
Deferred Value: $0
Exempt Amount:
PCL Class: R
Heated Sq Feet:

Pender County

1:15,000

0 0.1 0.2 0.4 mi

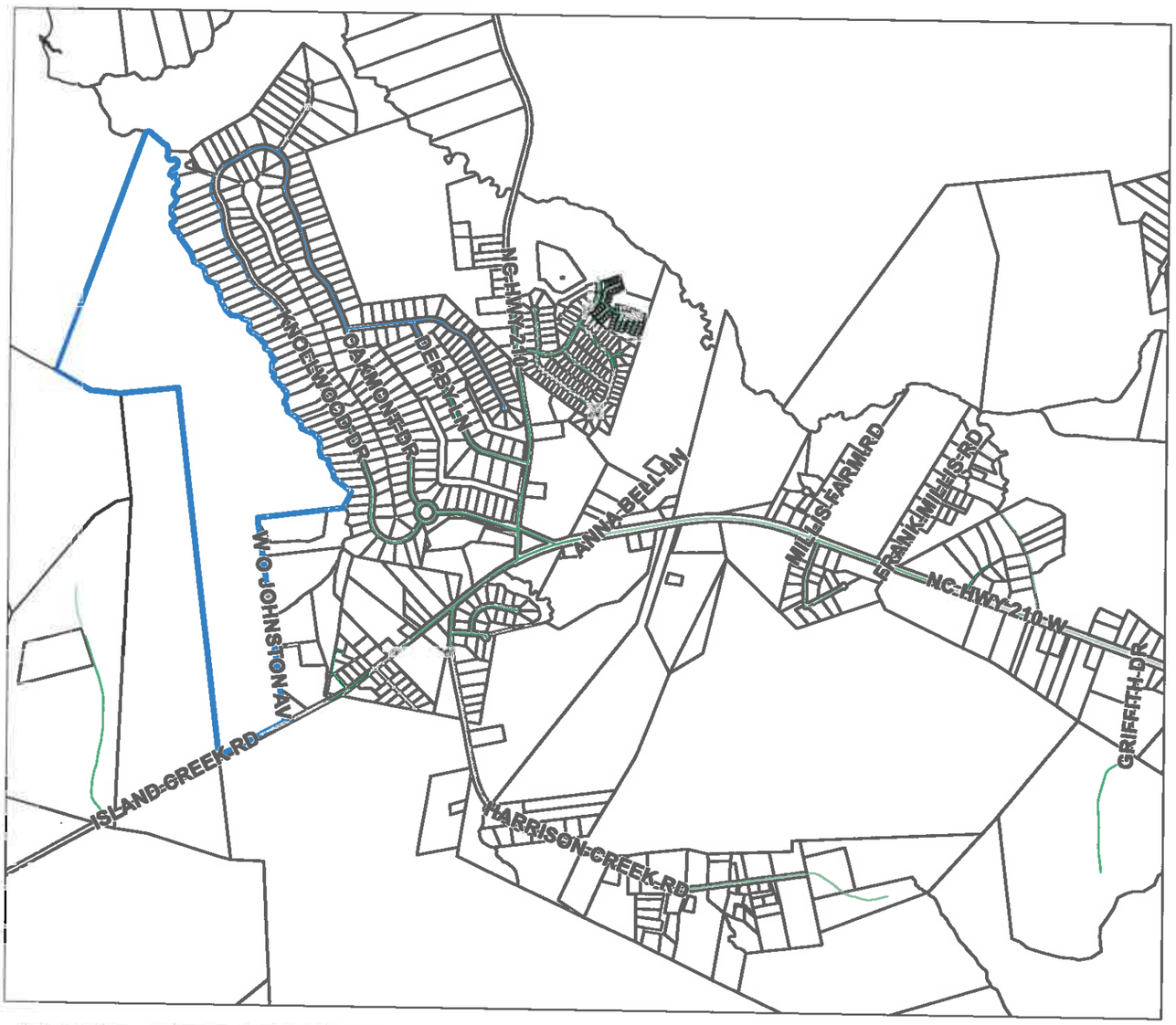
0 0.175 0.35 0.7 km

1 inch = 1,333 feet

April 21, 2016

N
W

Island Creek Road / S.R. 1002
(50' Public R/W)
Harrison Creek Estates
Topographic Survey
1 of 1
DESIGN SOLUTIONS



Applicant:
Coleman Parks

Owner:
Beach Front Properties

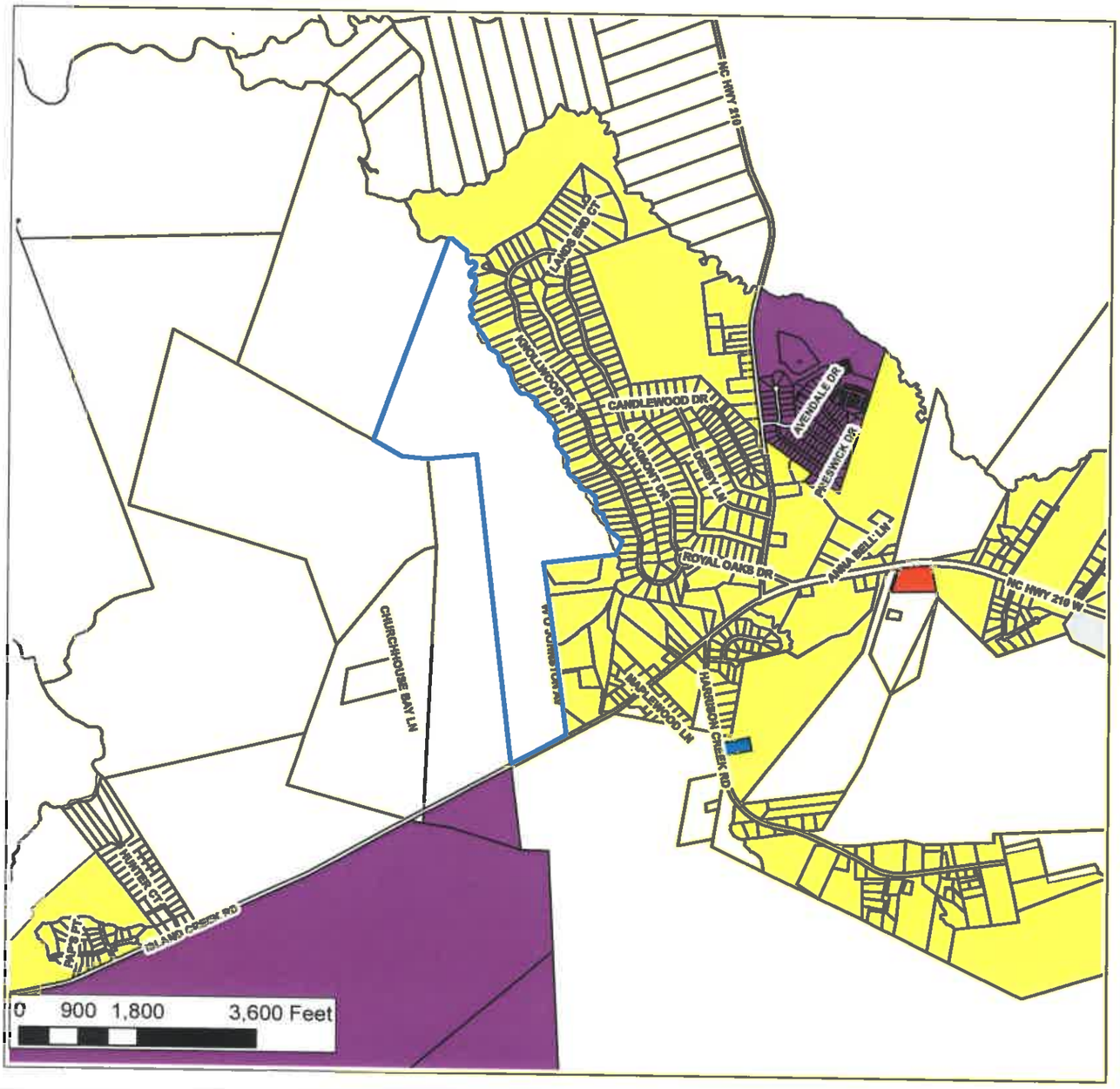
General Use
Rezoning

Case Number:
226-2016

Legend

Subject Property

Vicinity



Applicant:
Coleman Parks

Owner:
Beach Front Properties

General Use Rezoning

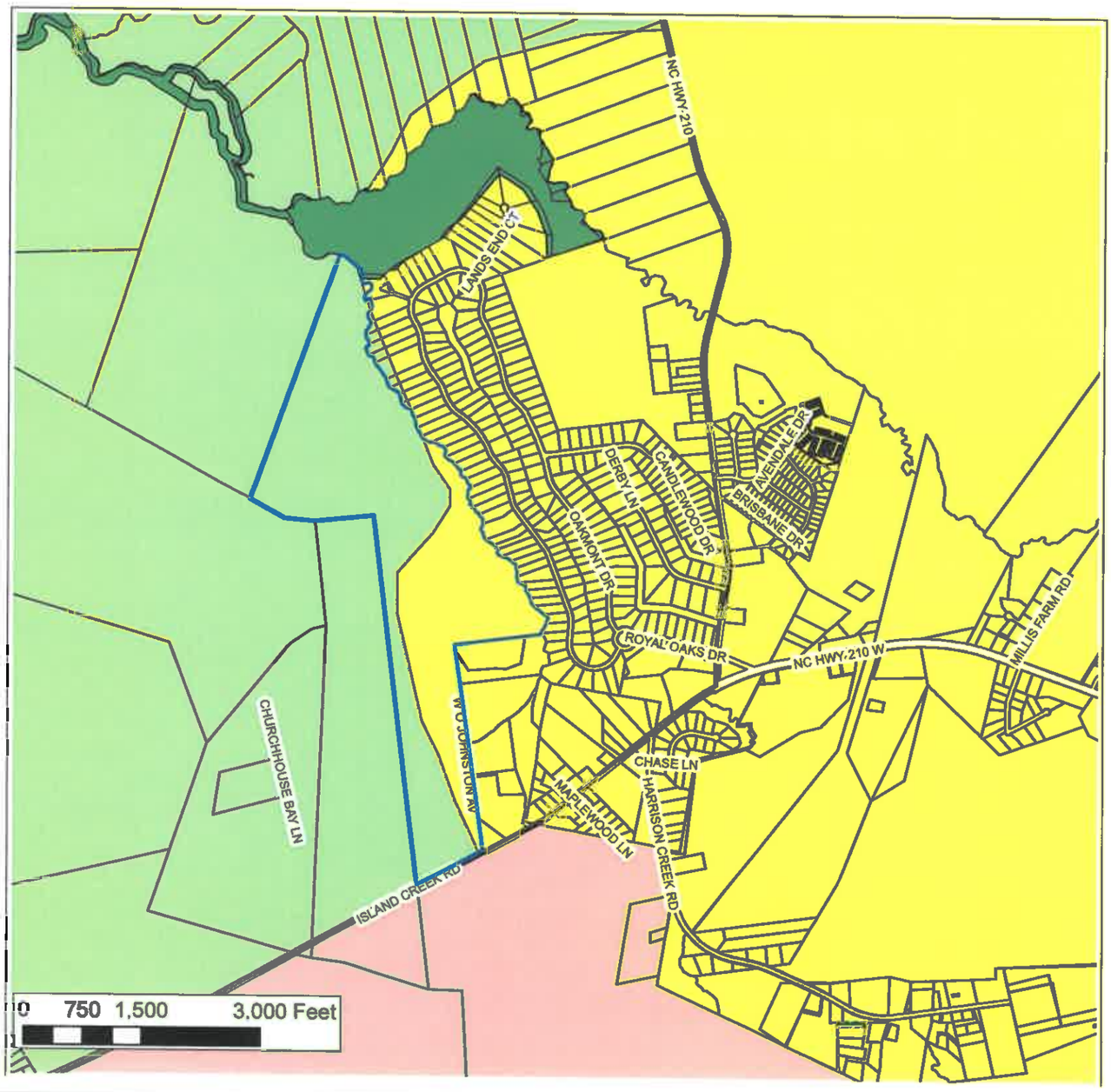
Case Number:
226-2016

Legend

- EC, Environmental Conservation
- GB, General Business
- GI, General Industrial
- IT, Industrial Transitional
- O&I, Office & Institutional
- PD, Planned Development
- RA, Rural Agricultural
- RP, Residential Performance

N

CURRENT ZONING



Applicant:
Coleman Parks

Owner:
Beach Front Properties

General Use
Rezoning

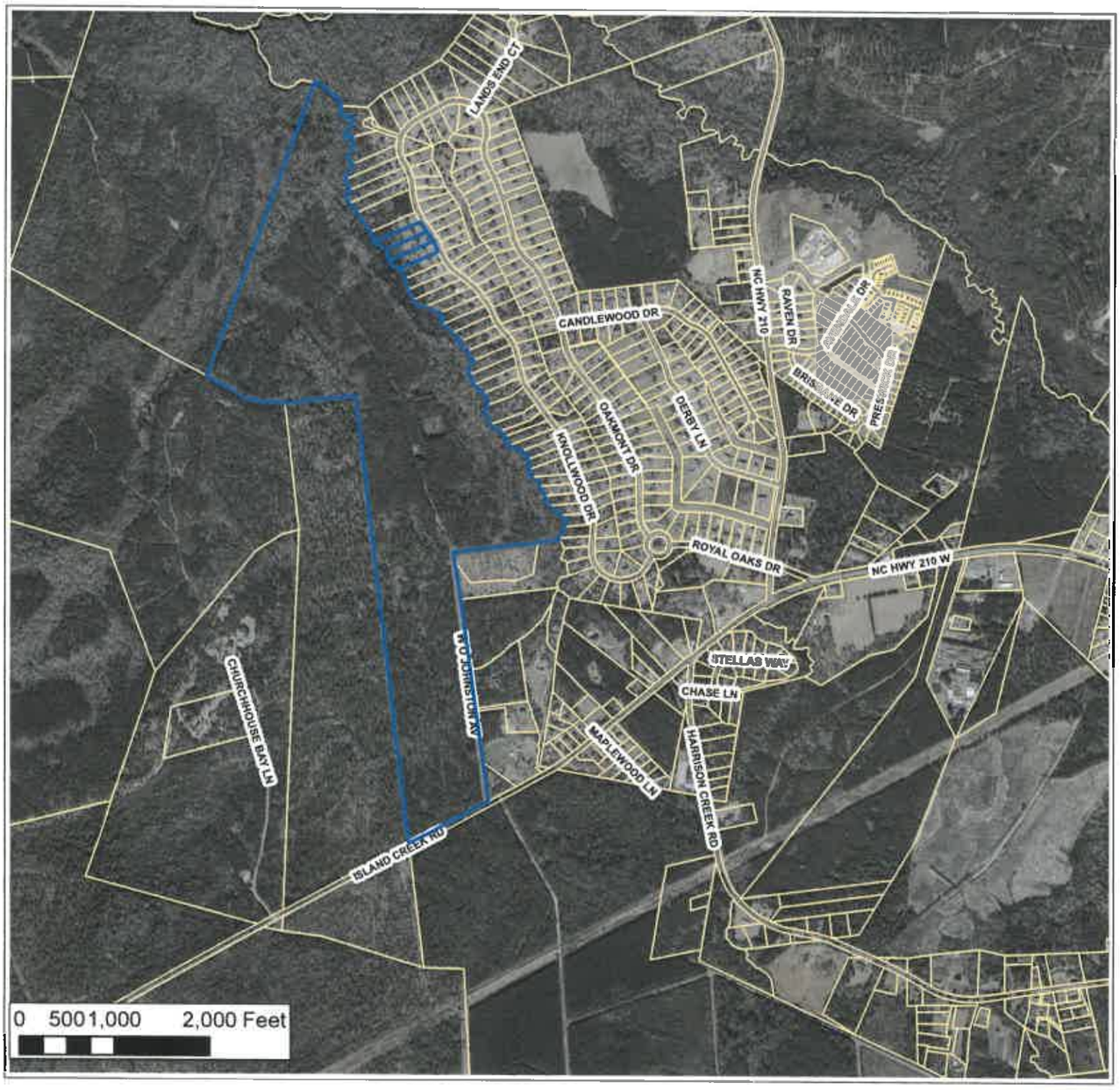
Case Number:
226-2016

Legend

- Conservation
- Industrial
- Mixed Use
- Office, Institutional, Busines
- Rural Growth
- Suburban Growth
- Subject_Proerty

N

Future Land Use



Applicant:
Coleman Parks

Owner:
Beach Front Properties

General Use
Rezoning

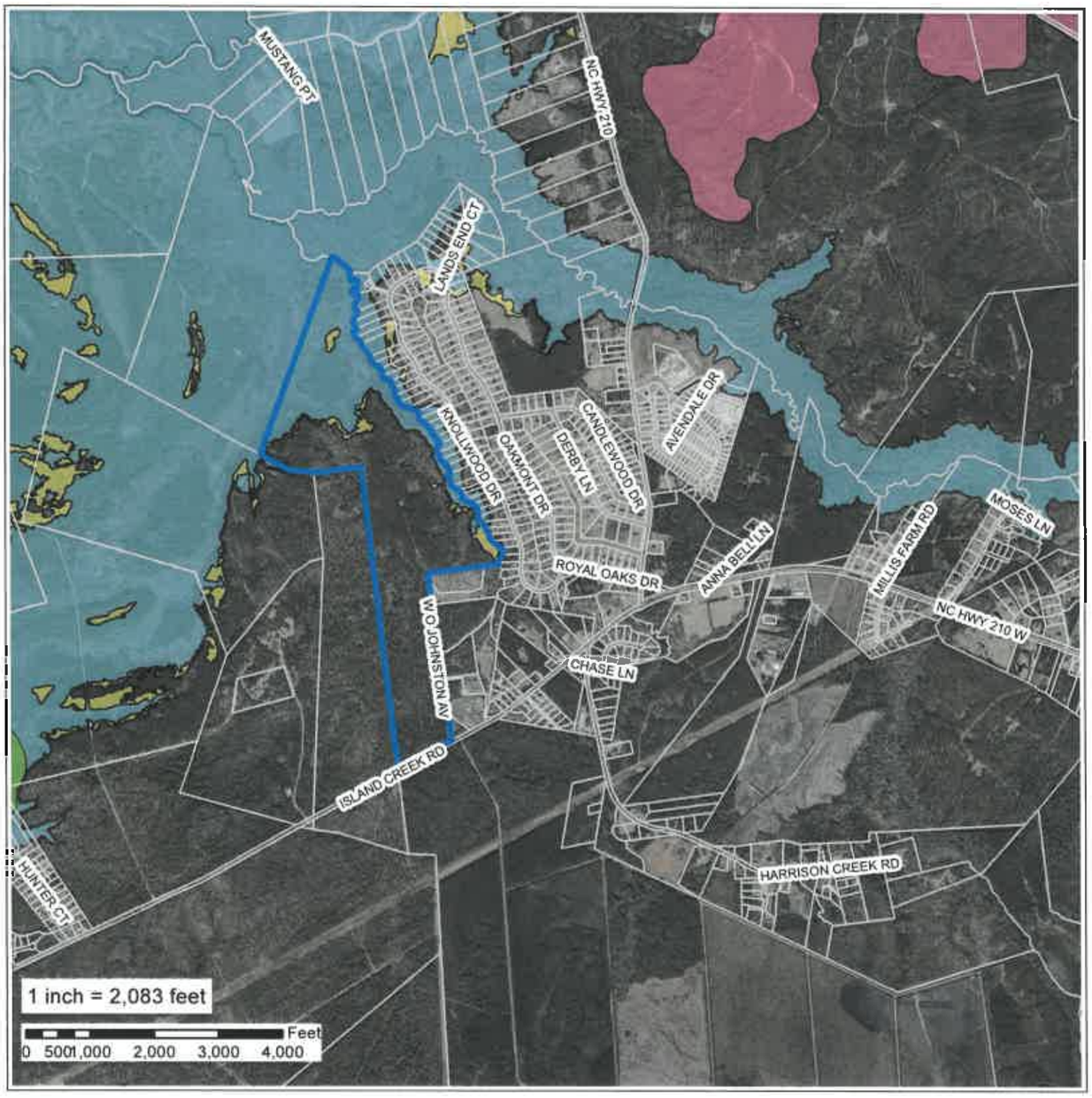
Case Number:
226–2016

Legend

Subject Property

N

2012 AERIAL



Applicant:
Coleman Parks

Owner:
Beach Front Prperties

General Use Rezoning

Case Number:
226-2016

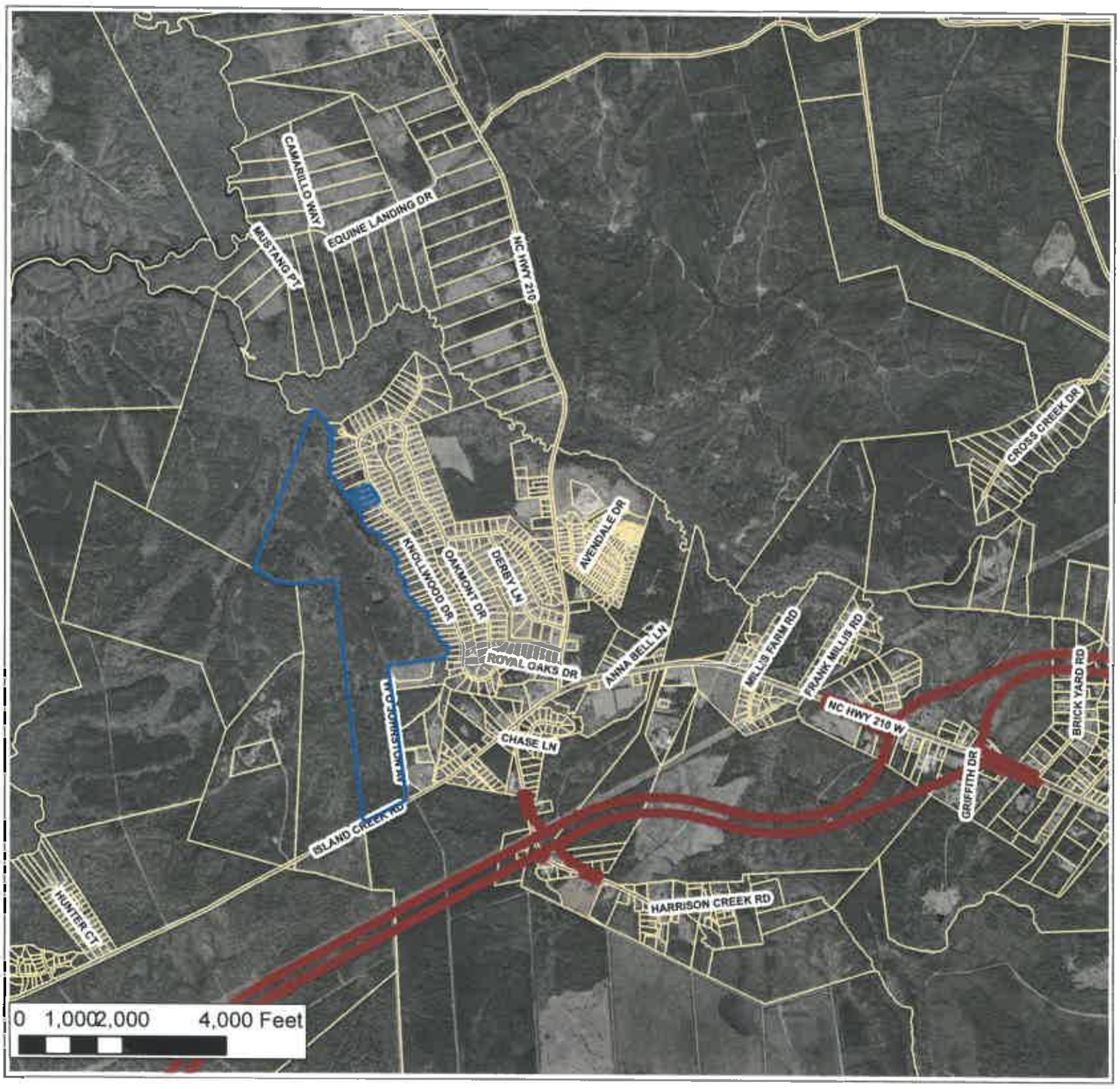
Subject Property

Flood Hazard Areas

- A
- AE
- AEFW
- SHADED X
- VE

N

Flood Zones



Applicant:
Coleman Parks

Owner:
Beach Front Properties

General Use
Rezoning

Case Number:
226–2016

Legand

Hampstead Bypass

Subject Property

N

Bypass Aerial

PLANNING STAFF REPORT
Zoning Map Amendment

SUMMARY:

Hearing Date:	July 6, 2016 Planning Board August 15, 2016 Board of Commissioners
Case Number:	ZMA FLUMA 264-2016
Applicant:	Live Oak Development
Property Owner:	Kevin Mills et al

Map Amendment Proposal: Live Oak Development, applicant, on behalf of Kevin Mills et al, owner, is requesting approval of an amendment to the 2010 Pender County Comprehensive Plan Future Land Use Map for one (1) tract totaling approximately 5.53 acres from Rural Growth to Mixed Use future land use designation.

Property Record Numbers, Acreage, and Location: The subject property is located along the east side of Old Whitfield Road (SR 1726) and Machine Gun Road (private) approximately 1,200 feet to the west of US HWY 17 in the Topsail Township and may be further identified by Pender County PIN: 4215-23-1857-0000.

Comprehensive Plans and Policies Committee (CPPC) Consensus: The Pender County CPPC was e-mailed for comments on this proposal on June 6, 2016. Three members were no longer reachable at their email address on file. There are no known objections to this proposal. One positive comment was received.

Staff Recommendation: This proposal consists of changing one (1) tract totaling ±5.53 acres from the Rural Growth Land Use Classification to the Mixed Use Land Use Classification as shown on the 2010 Comprehensive Plan Future Land Use Map. The property is on the border of Future Land Use designations. The Pender County Comprehensive Plans and Policies Committee (CPPC) have no objection with this proposal. Therefore, staff respectfully recommends that the request be approved.

DESCRIPTION:

As outlined in the 2010 Comprehensive Plan; Policy 11A.1.4 any request to amend either the written text and/or the maps within the Plan shall follow the same process as a text or map amendment as described in the Unified Development Ordinance.

As outlined in the 2010 Comprehensive Plan, Policy 11A.1.1 a Comprehensive Plan and Policies Committee is maintained as an advisory group on proposed amendments to the Comprehensive Plan. The Committee should consider all proposed amendments and provide a recommendation to the Planning Board.

The applicant is requesting approval of an amendment to the 2010 Comprehensive Plan Future Land Use Map. The proposed amendment would change one (1) tract totaling ±5.53 acres Future Land Use Classification from Rural Growth to Mixed Use.

The property is located along the east side of Old Whitfield Road (SR 1726) and Machine Gun Road (private) approximately 1,200 feet to the west of US HWY 17 in the Topsail Township and may be further identified by

Pender County PIN: 4215-23-1857-0000. Old Whitfield Road (SR 1726) is a state-maintained road until the intersection with Oak Grove Drive (private). This is approximately 885 feet south of the subject property.

The adoption of the 2010 Comprehensive Land Use Plan Future Land Use Map placed the subject property into the Rural Growth land use classification.

The Rural Growth Land Use Classification is described in the 2010 Comprehensive Land Use Plan. The Rural Growth land use classification defines those areas of Pender County where urban services, i.e., public water and sewer services, are not expected to be extended within the planning horizon. Rural Growth areas are where preservation of agricultural operations is a primary concern and where conflicts between agricultural and non-agricultural uses are to be discouraged. The property aligns with this Land Use Classification because presently there is no sewer or water service to it. It was likely originally placed in this designation due to the fact there were no plans for such an extension in this area when the plan was developed, and an increased buffer to the Holly Shelter, (although properties further north of the tract are designated Mixed Use with less of a buffer). The area is changing quickly, and due to a new shopping center development approximately 1,100 feet south of the property and a medical office being planned on the 18.5 acre tract north and east of the property, the request for a new designation warrants a close examination. The area is deviating from agricultural tendencies and forming characteristics more appropriate for alignment with the Mixed Use Future Land Use Designation.

The applicant is requesting the Mixed Use Future Land Use Classification. This designation would be consistent with properties that are abutting to the south which are also designated Mixed Use. The property to the east is partially designated Mixed Use and partially designated Rural Growth.

The Mixed Use Land Use Classification is described in the 2010 Comprehensive Land Use Plan as designating locations where a mixture of higher density/intensity uses is to be encouraged. Mixed Use areas should be characterized by physically and aesthetically unified developments containing a mixture of commercial, office, institutional, and high- and medium-density residential uses, arranged in a walkable, compact, and pedestrian and transit friendly manner. Mixed Use areas are intended to help reduce sprawl by concentrating a mix of uses in convenient locations; by promoting an efficient sustainable pattern of land uses, and by providing most of the goods and services needed by residents in a coordinated, concentrated manner. It should be noted that seven of the properties that adjoin the subject parcel are already partially or completely designated Mixed Use. It should also be noted that there is no direct requirement described for water and sewer services in this Land Use Designation category (although the uses do suggest that would be beneficial).

The property does not contain contain FEMA Special Flood Hazard Areas (SFHA) as demonstrated on the effective Flood Insurance Map #3720421500J (FIRM) dated February 16, 2007.

Comprehensive Plans and Policies Committee (CPPC) Comments:

Only one comment was received from this committee. It is included verbatim:

Mike Nadeau: It seems to me that the Rural Growth designation is largely not compatible with the Hampstead area. Obviously, there is not, and has not been, any real agriculture in east Pender (outside timberland). So, there is no "concern" about preserving those uses or preventing conflicts with modern residential growth. And, with water in place and sewer approaching Hampstead from the south and the north, it seems every stated parameter of the Rural Growth objectives are misplaced in east Pender. It seems safe to say that, over

time, almost all tracts in Rural Growth areas here will petition to change to a development friendly designation, if you do not go ahead and make this change in the next Land Use Plan update.

EVALUATION:

A. ***Public Notifications:*** Public Notice of the proposal for map change has been advertised in the Pender Post and Topsail Voice. Adjacent property owners have been given written notice of the request, as well as a sign placed on the subject property.

B. ***Existing Zoning in Area:*** The existing zoning on the subject parcel is RP, Residential Performance zoning district. Directly adjacent to this property to the north, south and west is zoned RP, Residential Performance zoning district as well. There is an undeveloped 18.5 acre tract of land to the northeast zoned GB, General Business zoning district.

C. ***Existing Land Use in Area:*** The parcel is currently undeveloped. There is low density residential to the north, south and west. The parcel to the northeast is undeveloped. Approximately one quarter of a mile down Old Whitfield Road (SR 1726) there is a shopping center with a sporting store and several smaller stores in it.

D. ***2010 Comprehensive Land Use Plan:*** The 2010 Comprehensive Land Use Plan classifies the subject property as Rural Growth. It classifies seven parcels to the south and east as Mixed Use and the parcels to the north and west as Rural Growth.

3.3.8 Review Criteria for Rezoning/Comprehensive LUP Map Amendments

The Planning Board and Board of Commissioners shall consider the following matters in considering a rezoning request:

A. Whether the range of uses permitted by the proposed change would be appropriate to the area concerned (including not being detrimental to the natural environment, not adversely affecting the health or safety of residents or workers in the area, not being detrimental to the use or development of adjacent property, and not materially or adversely affecting the character of the general neighborhood);

B. Whether adequate public facilities/services (i.e., water, wastewater, roads) exist, are planned, or can be reasonably provided to serve the needs of any permitted uses likely to be constructed as a result of such change;

C. Whether the proposed change is consistent with the County's Comprehensive Land Use Plan and CAMA Land Use Plan or any other adopted land use document.

D. Whether the proposed amendment is reasonable as it relates to the public interest.

RECCOMENDATION:

This proposal consists of changing one (1) tract totaling ±5.53 acres from the Rural Growth Land Use classification to the Mixed Use Land Use classification as shown on the 2010 Comprehensive Plan Future Land Use Map. The Pender County Comprehensive Plans and Policies Committee (CPPC) have no objection with this proposal. The land use trends in this area are no longer of an agricultural nature. Therefore, staff respectfully recommends that the request be approved.

VOTING AND RESOLUTION:

Planning Board

Motion:_____Seconded: _____

Approved: _____Denied:_____Unanimous:_____

Williams: ___ Fullerton: ___ Baker: ___Carter: ___ Edens: ___ McClammy: ___Nalee: ___

Application for
Comprehensive Plan Future Land Use (FLU) Map Amendment

THIS SECTION FOR OFFICE USE			
Application No.	CPMA	Date	6-19-16
Application Fee	$ 500.00	Receipt No.	#158
Pre-Application Conference	5/18 8:30-9:30am	Hearing Date	7/6 PB & 8/15 BOCC

SECTION 1: APPLICANT INFORMATION

Applicant's Name:	Andrew Furr	Owner's Name:	Kevin Mills
Applicant's Address:	1730 Scotts Hill Loop Road	Owner's Address:	134 Gambit Court
City, State, & Zip	Wilmington, NC 28411	City, State, & Zip	Washington, NC 27889
Phone Number:	(910) 620-9916	Phone Numbers	(252) 495-1112

Legal relationship of applicant to land owner: Agent

SECTION 2: PROJECT INFORMATION

Property Identification Number (PIN):	4215-23-1857-0000	Total property acreage:	5.53
Current FLU Classification	Rural Growth	Proposed FLU Classification :	Mixed Use
Project Address :	Old Whitfield Road		
Description of Project Location:	End of Old Whitfield Road		

SECTION 3: SIGNATURES

Applicant's Signature	Andrew Furr	Date:	5/19/16
Owner's Signature	Kevin L. Mills	Date:	5/19/16

NOTICE TO APPLICANT

1. Applicant must also submit the information described on the Rezoning Checklist.
2. Applicant or agent authorized in writing must attend the public hearing.
3. Once the public hearing has been advertised, the case will be heard unless the applicant withdraws the application or unless the Planning Board or other authorized person agrees to table or delay the hearing.
4. All fees are non-refundable
5. A complete application packet must be submitted prior to the deadline in order to be placed on the next Planning Board Agenda

Rezoning/Zoning Map Amendment Checklist

☒	Signed application form
☒	Application fee
☒	A list of names and addresses, as obtained from the county tax listings and tax abstract, all adjacent property owners, including property owners directly across any road or road easement, and owners of the property under consideration for rezoning.
☒	Two (2) business size envelopes legibly addressed with first class postage for each of the adjacent and abutting property owners on the above list. (total of 16 envelopes with stamps)
☐	Accurate legal description or a map drawn to scale showing the property boundaries to be rezoned, in sufficient detail to for the rezoning to be located on the Official Zoning Map.
☐	18 (11"x17") map copies to be distributed to the Planning Board NA
☐	20 (11"x17") map copies to be distributed to the Board of Commissioners NA
☐	Digital (.pdf) submission of all application materials NA
☒	A description and/or statement of the present and proposed zoning regulation or district boundary and stating why the request is being made and any information that is pertinent to the case. If the owner and applicant are different, the letter must be signed by both parties.

Office Use Only

☒	ZMA Fees: (*$500.00 for first 5 acres; $10/acre thereafter up to 1,000 acres; $5/acre thereafter*)	Total Fee Calculation: $ 500

Attachments Included with Application: (Please include # of copies)

CD /other digital version	☐ Y ☐ N	Plan Sets	# of large	# of 11X17	Other documents/Reports	☐ Y ☐ N

Payment Method:	Cash : ☐ $_____	Credit Card: ☐ Master Card ☐ Visa	Check: ☒ Check # 1210

Application received by:	Jessica Fiester	Date:	5/19/16
Application completeness approved by:	Jessica Fiester	Date:	5/19/16

Dates scheduled for public hearing:
- ☐ Planning Board: 7/6
- ☐ Board of Commissioners: 8/15

RETURN COMPLETED APPLICATION TO:
Pender County Planning & Community Development
805 South Walker Street
P.O. Box 1519
Burgaw, NC 28425

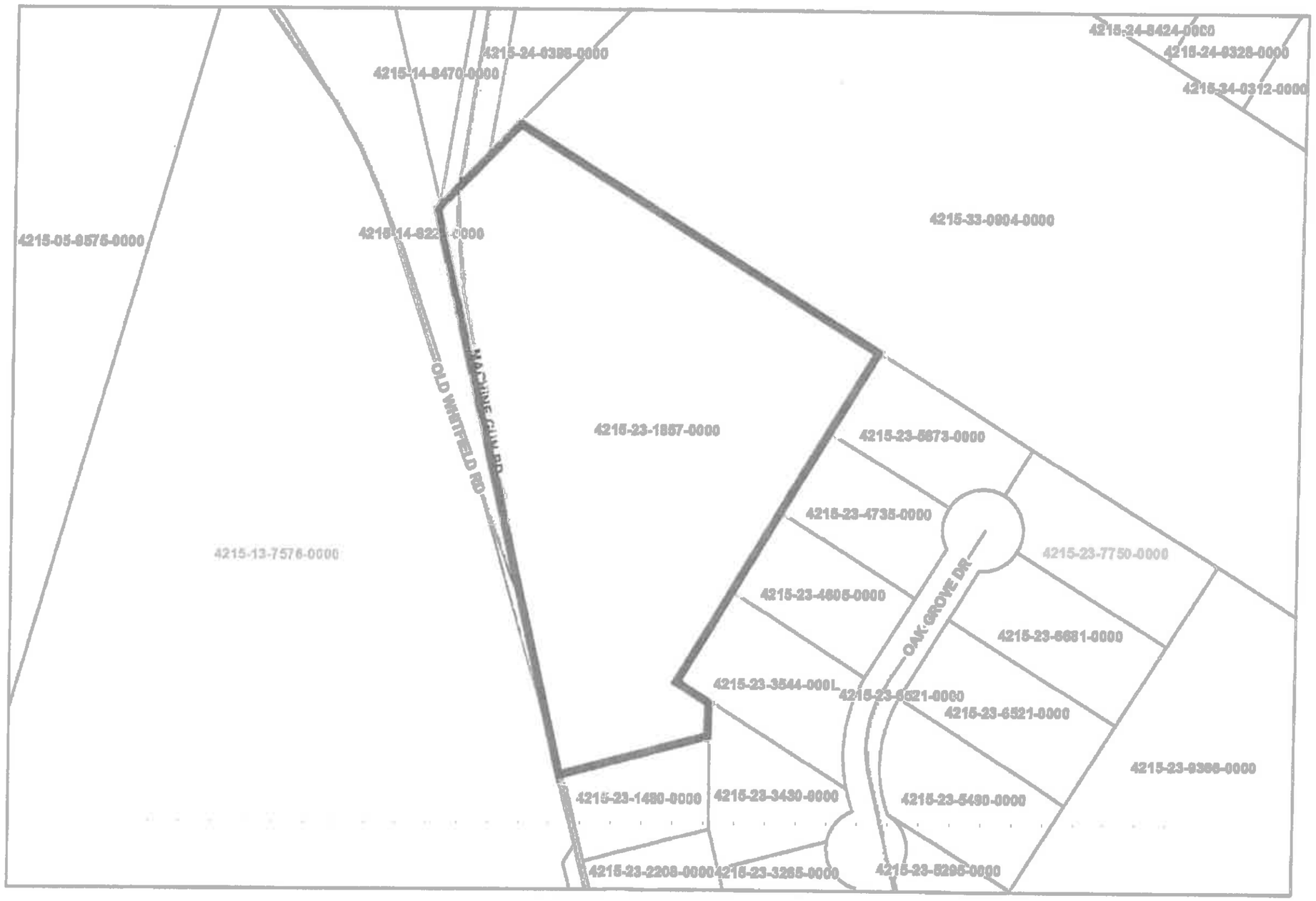
Jessica,

- This parcel will help create a safe campus like atmosphere that will greatly limit driveway connections on Highway 17 while still providing the services the area is craving.
- Only 500 yards from highway 17
- Rezoning would allow the highest and best use of the property
- Would allow safe secondary ingress and egress
- It is located on a state maintained road
- Interconnectivity
- This parcel adjoins a General Business (GB) track

Submitted by: Andy Furr
May 19, 2016
Received by:

	PIN	NAME	ADDR	CITY	STATE	ZIP	PROPERTY_ADDRESS
A	4215-23-1480-0000	BURNS THOMAS P	47 BERGMAN STREET	HAMPSTEAD	NC	28443	272 OLD WHITFIELD RD
B	4215-23-3430-0000	CRUTCHFIELD STEVEN B et al	131 OAK GROVE DR	HAMPSTEAD	NC	28443	131 OAK GROVE DR
C	4215-23-3544-000L	PROCTOR HERBERT HYMAN JR et al	747 COCKLE ST	SURF CITY	NC	28445	159 OAK GROVE DR
D	4215-23-4605-0000	VENTERS NANCY B	C/O LISA SMITH.412 WEST	WEST SIMSBURY	CT	6092	179 OAK GROVE DR
E	4215-23-4735-0000	BURDICK RAYMOND R et al	194 OAK GROVE DR	HAMPSTEAD	NC	28443	194 OAK GROVE DR
F	4215-23-5873-0000	GASS VINITA JEAN	215 OAK GROVE DR	HAMPSTEAD	NC	28443	215 OAK GROVE DR
G	4215-33-0904-0000	SNIFF EMMETT et al	252 STAG DRIVE	HAMPSTEAD	NC	28443	17 HWY
H	4215-24-0398-0000	CITIFINANCIAL SERVICING LLC	6400 LAS COLINAS BLVD	IRVING	TX	75039	100 MACHINE GUN RD
I	4215-14-8470-0000	WALTERS TIMOTHY W	101 MACHINE GUN RD	HAMPSTEAD	NC	28443	101 MACHINE GUN RD
J	4215-14-8228-0000	ROWLAND BEAL	2617 ARDSLEY DR	DURHAM	NC	27704	500 OLD WHITFIELD RD
K	4215-13-7576-0000	LEE Leslie	100COOTS TRAIL	HAMPSTEAD	NC	28443	289 OLD WHITFIELD RD

Whitfield Road



April 21, 2016

Owner: Kevin Mills
134 Gambit Court
Washington, NC 27889

Acres: 5.53
PIN: 4215-23-1857-000
Description: PT TR 1 PB26/63 SNIFF SURVEY OLD WHITFIELD RD E/A PB 52/104

1:1,913

0 0.015 0.03 0.06 mi

0 0.025 0.05 0.1 km

Legend

Applicant:
Live Oak Development

Owner:
Kevin Mills et al

Comprehensive Plan
Future Land Use
Map Amendment

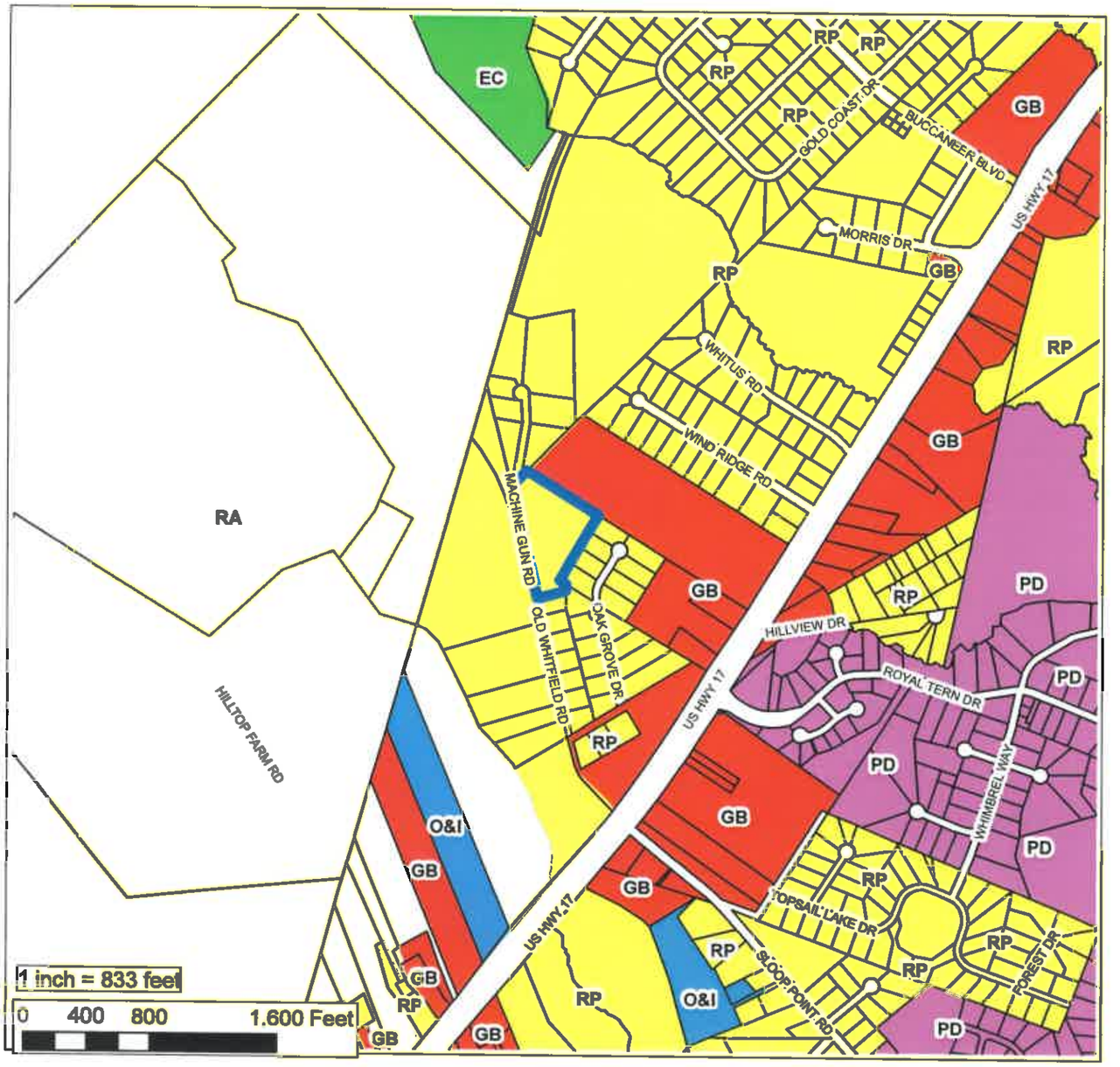
Case Number:
264-2016

Legend

Subject Property

Vicinity

Feet
0 380 760 1,520 2,280 3,040



Applicant:
Live Oak Development

Owner:
Kevin Mills et al

Comprehensive Plan Future Land Use Map Amendment

Case Number:
264-2016

Legend

Subject Property

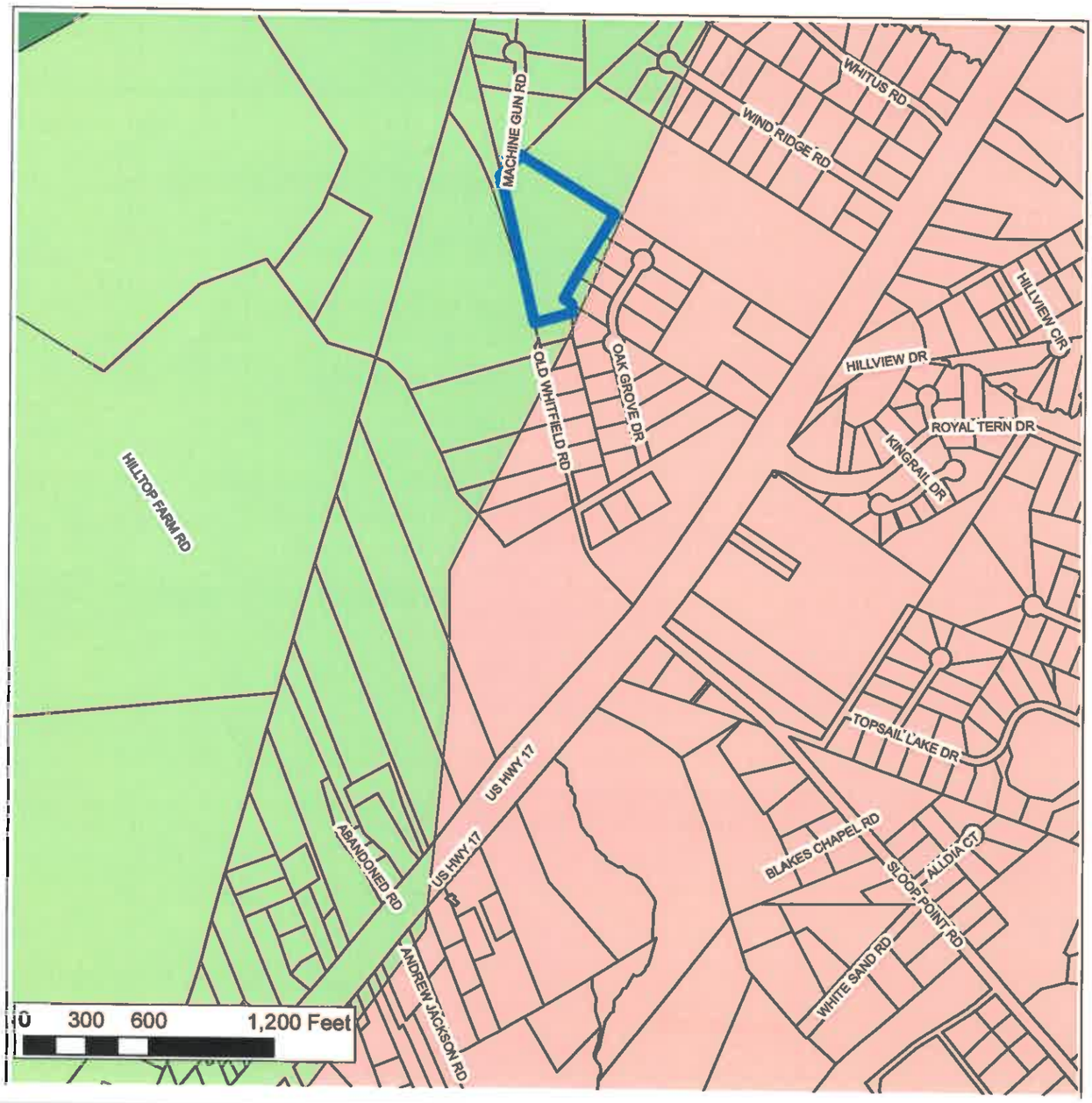
Zoning Classification

UDO Zoning

- General Business (GB)
- Office & Institutional (OI)
- Rural Agricultural (RA)
- Planned Development (PD)
- Residential Performance (RP)
- Environmental Conservation (EC)

N

Current Zoning



Applicant:
Live Oak Development

Owner:
Kevin Mills et al

Comprehensive Plan
Future Land Use Map
Amendment

Case Number:
264-2016

Legend

- Subject Property
- Conservation
- Industrial
- Mixed Use
- Office, Institutional, Business
- Rural Growth
- Suburban Growth

N

Future Land Use

Applicant:
Live Oak Development

Owner:
Kevin Mills et al

Comprehensive Plan Future Land Use Map Amendment

Case Number:
264-2016

Legend

Subject Property

N

2012 AERIAL

PLANNING STAFF REPORT
ZONING MAP AMENDMENT

SUMMARY:

Hearing Date:	July 6, 2016 Planning Board August 15, 2016 Board of Commissioners
Applicant:	Live Oak Development
Property Owner:	Kevin Mills et al
Case Number:	ZMA 233-2016

Rezoning Proposal: Live Oak Development, applicant, on behalf of Kevin Mills, owner, is requesting approval of a Zoning Map Amendment of one (1) tract totaling approximately 5.53 acres from the RP, Residential Performance zoning district to the GB, General Business zoning district.

Property Record Number, Acreage, and Location: The subject property is located along the east side of Old Whitfield Road (SR 1726) and Machine Gun Road (private) approximately 1,200 feet to the west of US HWY 17 in the Topsail Township and may be further identified by Pender County PIN: 4215-23-1857-0000.

RECOMMENDATION

The application is for a zoning map amendment of one (1) tract totaling approximately 5.53 acres from RP, Residential Performance zoning district to GB, General Business zoning district. As submitted, the request complies with all but one of the criteria set forth in Section 3.3 Review Criteria for Rezoning of the Pender County Unified Development Ordinance. The portion of the unified Development Ordinance this request is inconsistent with is 3.3.1 (E), which states that the request must show substantial compliance with the goals and policies of the Comprehensive Land Use Plan. The Future Land Use Map in the 2010 Comprehensive Land Use Plan has this parcel designated as Rural Growth. General Business is not compatible with Rural Growth due to its definition. This creates an inconstancy.

There are no other known conflicts with any adopted plans. If an amendment to the 2010 Comprehensive Land Use Plan is approved designating the Future Land Use designation to Mixed Use, Staff will support the request for this rezoning. This is because the Mixed Use land use designation supports the expansion of water and sewer, and land uses associated with the GB, General Business zoning district.

HISTORY

The property is vacant and undeveloped. This property was purchased by the current owner on October 4, 2007. The sale included a perpetual access easement for ingress and egress, 200 gallons per day of wastewater on the existing septic tank, and use of the existing well. There is no additional known history.

DESCRIPTION

Live Oak Construction, applicant, on behalf of Kevin Mills., owner, is requesting approval of a Zoning Map Amendment of one (1) tract totaling approximately 5.53 acres from the RP, Residential Performance zoning district to the GB, General Business zoning district. The subject property is located along the east side of Old Whitfield Road (SR 1726) and Machine Gun Road (private) approximately 1,200 feet to the west of US HWY 17 in the Topsail Township.

The minimum acreage to rezone to GB, General Business zoning district is one (1) acre according to Section 4.14 of the Pender County Unified Development Ordinance. This request is in compliance in this regard, as there are approximately 5.53 acres requested for this general use rezoning.

Access
The property has direct access from Old Whitfield Road (SR 1726), which becomes Machine Gun Road. Old Whitfield Road is public for 885 feet from US HWY 17 South, until it intersects with Oak Grove Drive (private) and becomes private. The width of Old Whitfield Road is varies between 20-25 feet. Just north of 256 Old Whitfield Road, the road narrows significantly and transitions from asphalt to a dirt material. The northern portion of this property is accessed by Machine Gun Road, which is an unimproved extension of Old Whitfield Road. There is no access from any other portion of the parcel.

Utilities
The property is served by well water at this point in time. According to the GIS records it is in the Rocky Top Water and Sewer District. Any final zoning approvals are contingent upon review and approval by Pender County Utilities and the Environmental Health Department. Any changes or approvals will be evaluated at the time of site development.

Environmental Concerns
There are no Areas of Environmental Concern (AEC) located on the property nor any regulated Special Flood Hazard Area (SFHA) according to FEMA Flood Insurance Rate Map Number 3720321400J, adopted February 16, 2007. There may be wetlands located on the property subject to review and approval of the Army Corps of Engineers.

All applicable state, federal and local agency permits are required prior to the issuance of final zoning.

EVALUATION
A) Public Notifications: Public Notice of the proposal for map change has been advertised in the Pender-Topsail Post and Voice. Adjacent property owners have been given written notice of the request, and a public notification sign has been placed on the property.
B) Existing Zoning in Area: The existing zoning on the subject parcel is RP, Residential Performance zoning district. Directly adjacent to this property to the north, south and west is zoned RP, Residential Performance. There is an undeveloped 18.5 acre tract of land to the east that is zoned GB, General Business.
C) Existing Land Use in Area: The parcel is currently undeveloped. There is low density residential to the north, south and west. The parcel to the east is undeveloped. Further south down Old Whitfield Road (about a quarter mile) is a shopping center with Eastern Outfitters and several smaller stores in it.
D) 2010 Comprehensive Land Use Plan: The 2010 Comprehensive Land Use Plan designates the subject property as Rural Growth. The Rural Growth land use classification defines those areas of Pender County where urban services, i.e., public water and sewer services, are not expected to be extended within the planning horizon. Rural Growth areas are where preservation of agricultural operations is a primary concern and where conflicts between agricultural and non-agricultural uses are to be discouraged.
E) Unified Development Ordinance Compliance: Article 3.3 of the Unified Development Ordinance provides for standards that shall be followed by the Planning Board before a favorable recommendation of approval for a rezoning can be made.

3.3.8 Review Criteria for Rezoning

The Planning Board and Board of Commissioners shall consider the following matters in considering a rezoning request:

A - Whether the range of uses permitted by the proposed change would be appropriate to the area concerned (including not being detrimental to the natural environment, not adversely affecting the health or safety of residents or workers in the area, not being detrimental to the use or development of adjacent property, and not materially or adversely affecting the character of the general neighborhood);

B - Whether adequate public facilities/services (i.e., water, wastewater, roads) exist, are planned, or can be reasonably provided to serve the needs of any permitted uses likely to be constructed as a result of such change;

C - Whether the proposed change is consistent with the County's Comprehensive Land Use Plan and CAMA Land Use Plan or any other adopted land use document.

D – Whether the proposed amendment is reasonable and in the public interest.

This General Use Rezoning is inconsistent with the 2010 Comprehensive Land Use Plan because there are conflicts between the requested new zoning designation of GB, General Business, and the Rural Growth Future Land Use designation.

The 2010 Comprehensive Land Use Plan describes Rural Growth: Rural Growth areas are intended to protect agricultural and forestry operations that are a major part of the County's economic base and that are key to preservation of the County's rural landscape. Major job-creating activities that are compatible with farms, forestry and very low-density development are appropriate. Development within Rural Growth areas should be limited to only those types of land uses and development intensities that can be accommodated by services typical in non-urban areas, e.g., private on-site water supply (or public water, as available) and on-site septic systems. Development with private package sewage treatment plants or premature extension of public sewer systems into these areas is discouraged. Public sewer should not be extended except to the extent necessary to protect public health when existing community wastewater systems fail or a pattern of failure of on-site systems occurs in a specific area. Uses that would typically be allowed in Rural Growth areas include very low-density residential development (single-family site-built, modular, and manufactured homes) on one acre or greater size lots; agriculture, forestry, churches; very limited nonresidential uses - commercial, office, or public/institutional - meeting locational criteria. Locational criteria for non-residential uses in Rural Growth areas include frontage and access to a major State highway or secondary road, location at a major rural intersection, proximity to similar existing non-residential uses, and spatial separation from non-compatible uses such as existing residential development. Areas designated as Rural Growth are located primarily in the western portion of the County with other Rural Growth areas designated surrounding the Holly Shelter Game Land and Angola Bay Game Land in eastern Pender County. Agricultural/farming operations and very low residential development intensities.

In Section 4.9.1 The Unified Development Ordinance describes General Business zoning district in the following way: This district is primarily intended to accommodate uses which require close access to major highways. The district is established to provide convenient locations for businesses which serve the needs of surrounding residents, including office, retail, and personal service uses.

The parcel is located about a quarter mile north of US HWY 17 and is located directly adjacent to a tract of land already zoned GB, General Business zoning district. It is noteworthy that the parcel is in on the border between

Mixed Use and Rural Growth Future Land Use categories. The parcel zoned GB, General Business zoning district that is to the east of this tract has a Future Land Use designation of both Mixed Use and Rural Growth.

Policy 3A.1.4 of the 2010 Land Use Plan states the County must consistently use the 2010 Comprehensive Land Use Plan to determine if a rezoning request is appropriate and consistent with local policies. The plan should be used as a guide in developing and approving land development proposals and for setting capital improvement plans and priorities. Effective January 1, 2006, the State of North Carolina amended planning statutes to strengthen the role of adopted plans in the consideration of zoning amendments. A statement from the planning board that the proposed amendment is inconsistent with a plan; however, does not preclude the governing board from adopting the amendment. The board decision does not have to be consistent with the comprehensive plan, but any inconsistency must be identified and explained. The comprehensive plan recommends that if a proposed zoning amendment is not in compliance with the plan, that a plan amendment be submitted and considered prior to or concurrent with consideration of the rezoning request

RECOMMENDATION

The application consists of a zoning map amendment request for approximately 5.53 acres from RP, Residential Performance zoning district to GB, General Business zoning district. Because the comprehensive plan recommends that if a proposed zoning amendment is not in compliance with the plan, that a plan amendment be submitted and considered prior to or concurrent with consideration of the rezoning request, the Administrator respectfully requests that the Planning Board consider taking this action. If an amendment to 2010 Comprehensive Plan Future Land Use Map is made to make the parcel designation Mixed Use, staff will support this rezoning request.

BOARD ACTION FOR CONTIDTIONAL REZONING REQUEST

Motion: _____ Seconded: _____

Approved: _____Denied: _____Unanimous: _____

Williams: __ Fullerton: _ Baker: __ Carter:_____Edens: _____ McClammy: ____ Nalee: ____

ZMA

APPLICATION FOR REZONING (Zoning Map Amendment)

THIS SECTION FOR OFFICE USE			
Application No.	ZMA - 233 2016	Date	4/21/2016
Application Fee	$ 500.00	Receipt No.	Inv #140
Pre-Application Conference	4/8/2016	Hearing Date	6/7 & 7/5

SECTION 1: APPLICANT INFORMATION:			
Applicant's Name:	Live Oak Development	Owner's Name:	Kevin Mills
Applicant's Address:	1730 Scotts Hill Loop Road	Owner's Address:	134 Gambit Court
City, State, & Zip	Wilmington, NC 28411	City, State, & Zip	Washington, NC27889
Phone Number:	(910) 620 -9916	Phone Number:	(252) 495-1112
Legal relationship of applicant to land owner:			

SECTION 2: PROJECT INFORMATION:			
Property Identification Number (PIN):	4215-23-1857-0000	Total property acreage:	5.53
Current Zoning District:	RP	Proposed Zoning District:	GB
Project Address :	Old Whitfield Road		
Description of Project Location:	PT TR 1 PB26/63 SNIFF SURVEY OLD WHITFIELD RD E/A PB 52/104 End of Old Whitfield Road		

SECTION 3: SIGNATURES			
Applicant's Signature	Andrew M. Zinn	Date:	4-21-16
Owner's Signature	Kevin O. Mills	Date:	4-21-16

NOTICE TO APPLICANT

1. Applicant must also submit the information described on the Rezoning Checklist.
2. Applicant or agent authorized in writing must attend the public hearing.
3. Once the public hearing has been advertised, the case will be heard unless the applicant withdraws the application or unless the Planning Board or other authorized person agrees to table or delay the hearing.
4. All fees are non-refundable
5. A complete application packet must be submitted prior to the deadline in order to be placed on the next Planning Board Agenda

Rezoning/Zoning Map Amendment Checklist

☒	Signed application form
☒	Application fee
☒	A list of names and addresses, as obtained from the county tax listings and tax abstract, all adjacent property owners, including property owners directly across any road or road easement, and owners of the property under consideration for rezoning.
☒	Two (2) business size envelopes legibly addressed with first class postage for each of the adjacent and abutting property owners on the above list.
☒	Accurate legal description or a map drawn to scale showing the property boundaries to be rezoned, in sufficient detail to for the rezoning to be located on the Official Zoning Map.
☒	18 (11"x17") map copies to be distributed to the Planning Board
☒	20 (11"x17") map copies to be distributed to the Board of Commissioners
☒	Digital (.pdf) submission of all application materials
☒	A description and/or statement of the present and proposed zoning regulation or district boundary and stating why the request is being made and any information that is pertinent to the case. If the owner and applicant are different, the letter must be signed by both parties.

Office Use Only

☒	**ZMA Fees:** (*$500.00 for first 5 acres; $10/acre thereafter up to 1,000 acres; $5/acre thereafter*)	**Total Fee Calculation:** $ 500.00

Attachments Included with Application: (Please include # of copies)

CD /other digital version	☐ Y ☐ N	Plan Sets	# of large	# of 11X17	Other documents/Reports	☐ Y ☐ N

Payment Method:	**Cash :** ☐ $_____	**Credit Card:** ☒ Master Card ☐ Visa	**Check:** ☐ Check # _____

Application received by:	Patrick O'Mahony	**Date:** 4/21/16
Application completeness approved by:	Jessica Fiesler	**Date:** 4/28/16

Dates scheduled for public hearing:
☒ **Planning Board:** 6/7/16
☒ **Board of Commissioners:** 7/5/16

RETURN COMPLETED APPLICATION TO:
Pender County Planning & Community Development
805 South Walker Street
P.O. Box 1519
Burgaw, NC 28425

Print Form

April 21,2016

Live Oak Development
1730 Scotts Hill Loop Road
Wilmington, NC, 28411

RE: Rezoning 5.53 acres PIN:4215-23-1357-000

We are requesting the rezoning of a 5.53-acre parcel of land located at the end of Old Whitfield Road.

The current zoning is **RP: Residential Performance**, which allows a variety of residential uses and limited commercial activities.

We would like to request the property to be zoned **GB: General Business** which is established to provide convenient locations for businesses which serve the needs of surrounding residents, including office, retail and personal service uses.

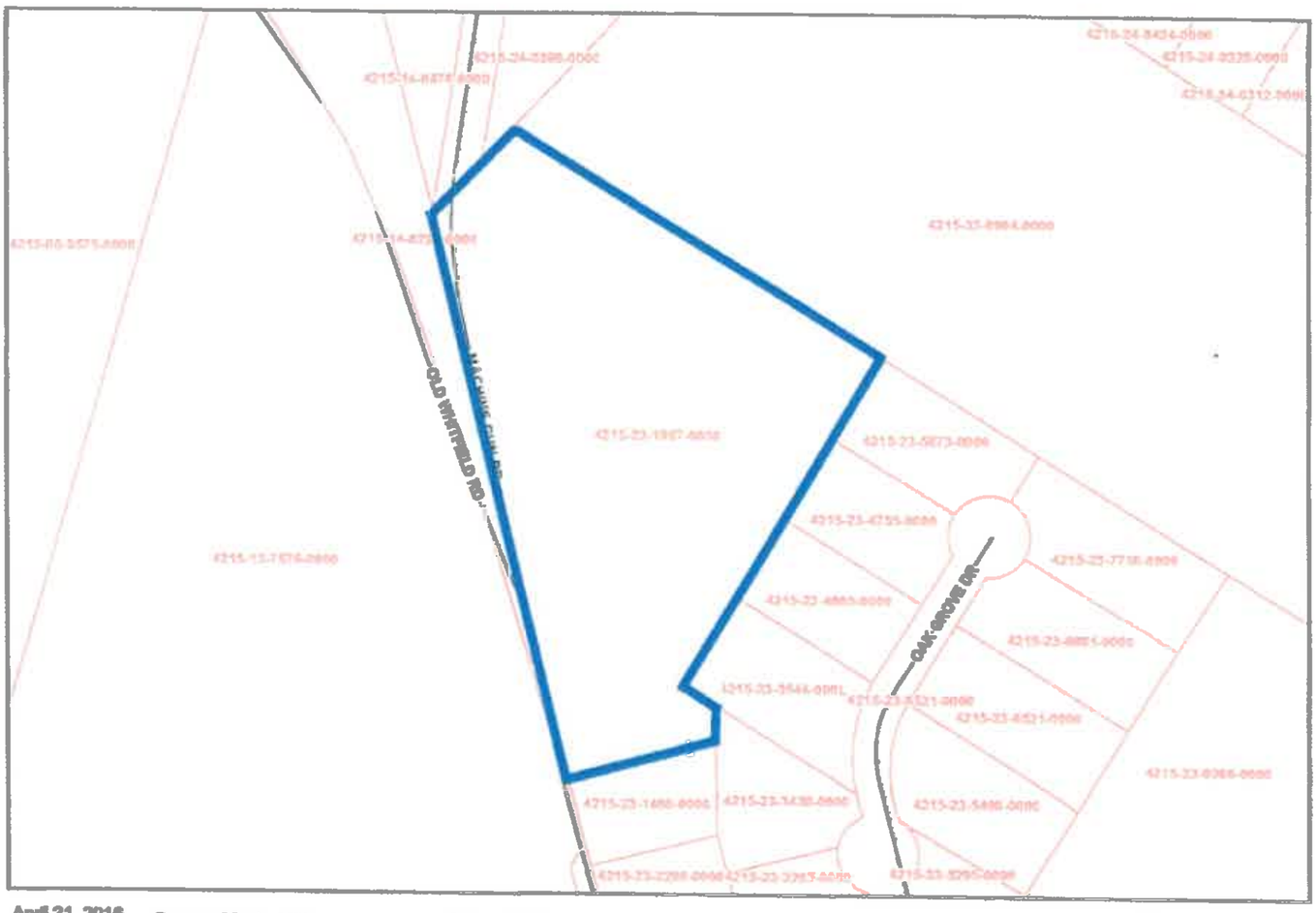
This parcel of land adjoins 18.5 acres which is currently zoned GB: General Business.

Thank You,

Andrew M. Furr
Live Oak Development

Kevin Mills
Property Owner

Whitfield Road



April 21, 2016

Owner: Kevin Mills
134 Gambit Court
Washington, NC 27889

Acres: 5.53
PIN: 4215-23-1857-000
Description: PT TR 1 PB26/63 SNIFF SURVEY OLD WHITFIELD RD E/A PB 82/104

1:1,913

0 0.015 0.03 0.06 mi

0 0.025 0.05 0.1 km

Legend

Applicant:
Live Oak Development

Owner:
Kevin Mills et al

General Use
Rezoning

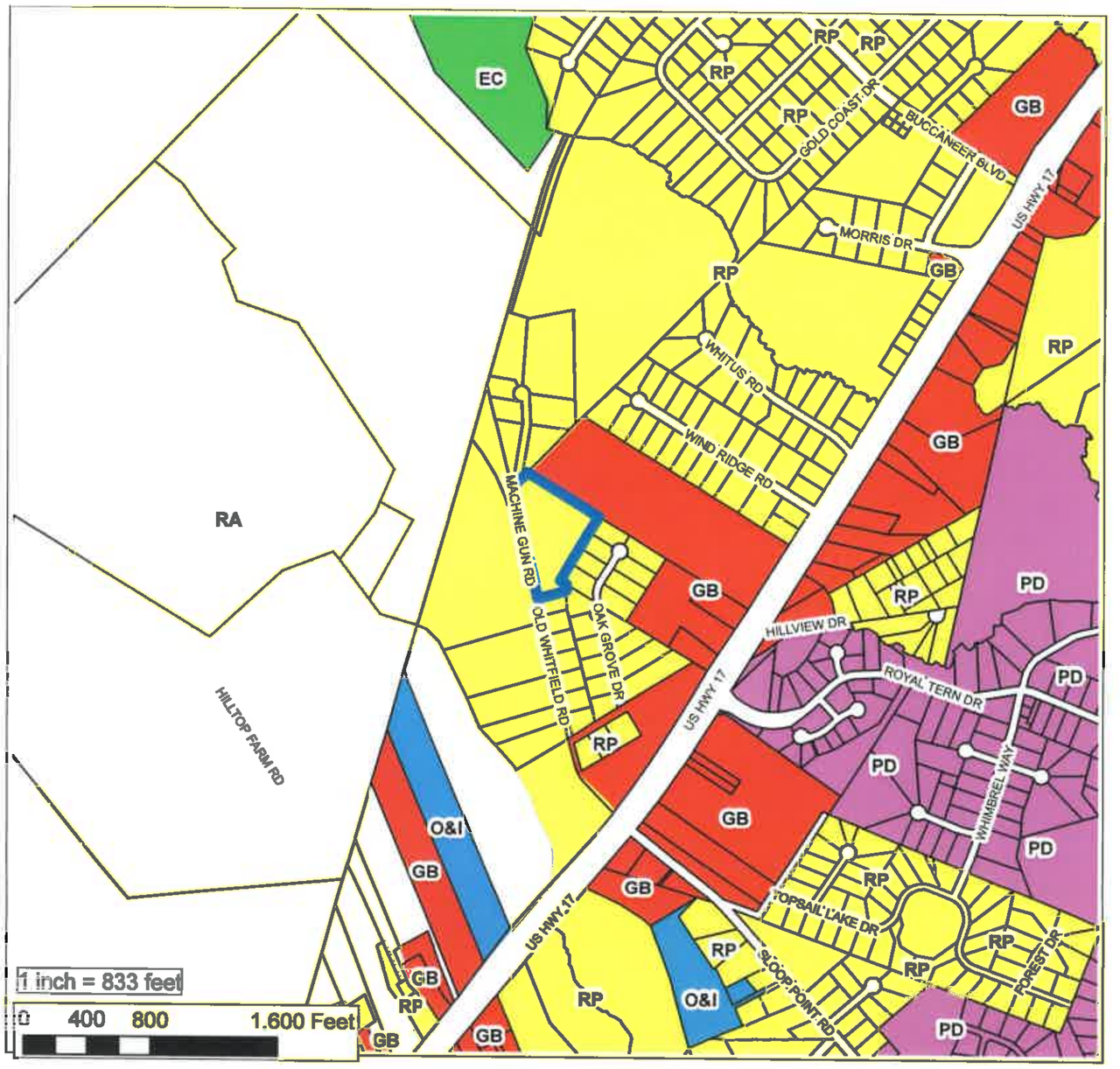
Case Number:
233-2016

Legend

Subject Property

Vicinity

Feet
0 200 400 800 1,200 1,600



Legend

Applicant:
Live Oak Development

Owner:
Kevin Mills et al

General Use
Rezoning

Case Number:
233-2016

Legend

Subject Property

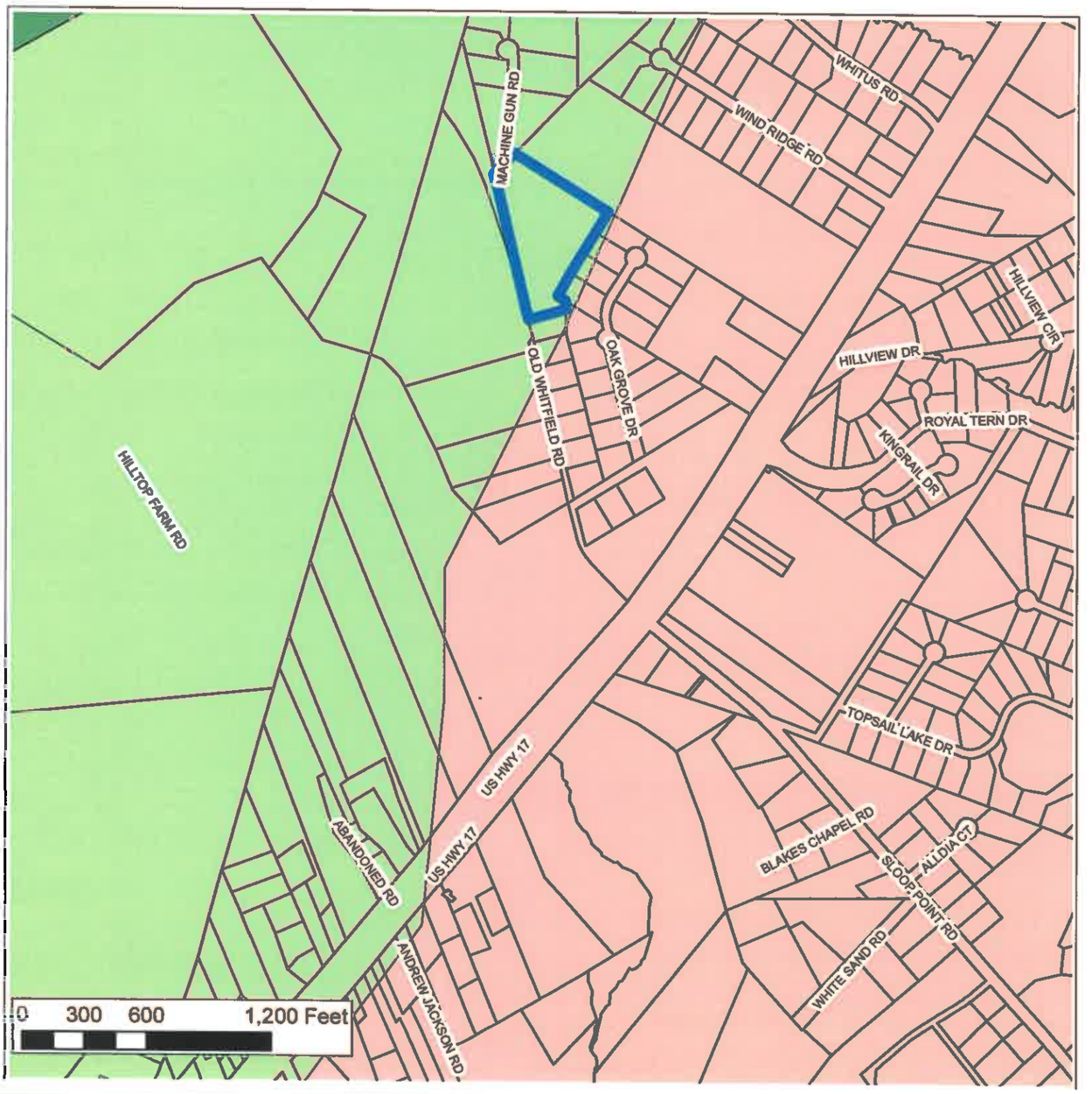
Zoning Classification

UDO Zoning

- General Business (GB)
- Office & Institutional (OI)
- Rural Agricultural (RA)
- Planned Development (PD)
- Residential Performance (RP)
- Environmental Conservation (EC)

N

Current Zoning



Legend

Applicant:
Live Oak Development

Owner:
Kevin Mills et al

General Use Rezoning

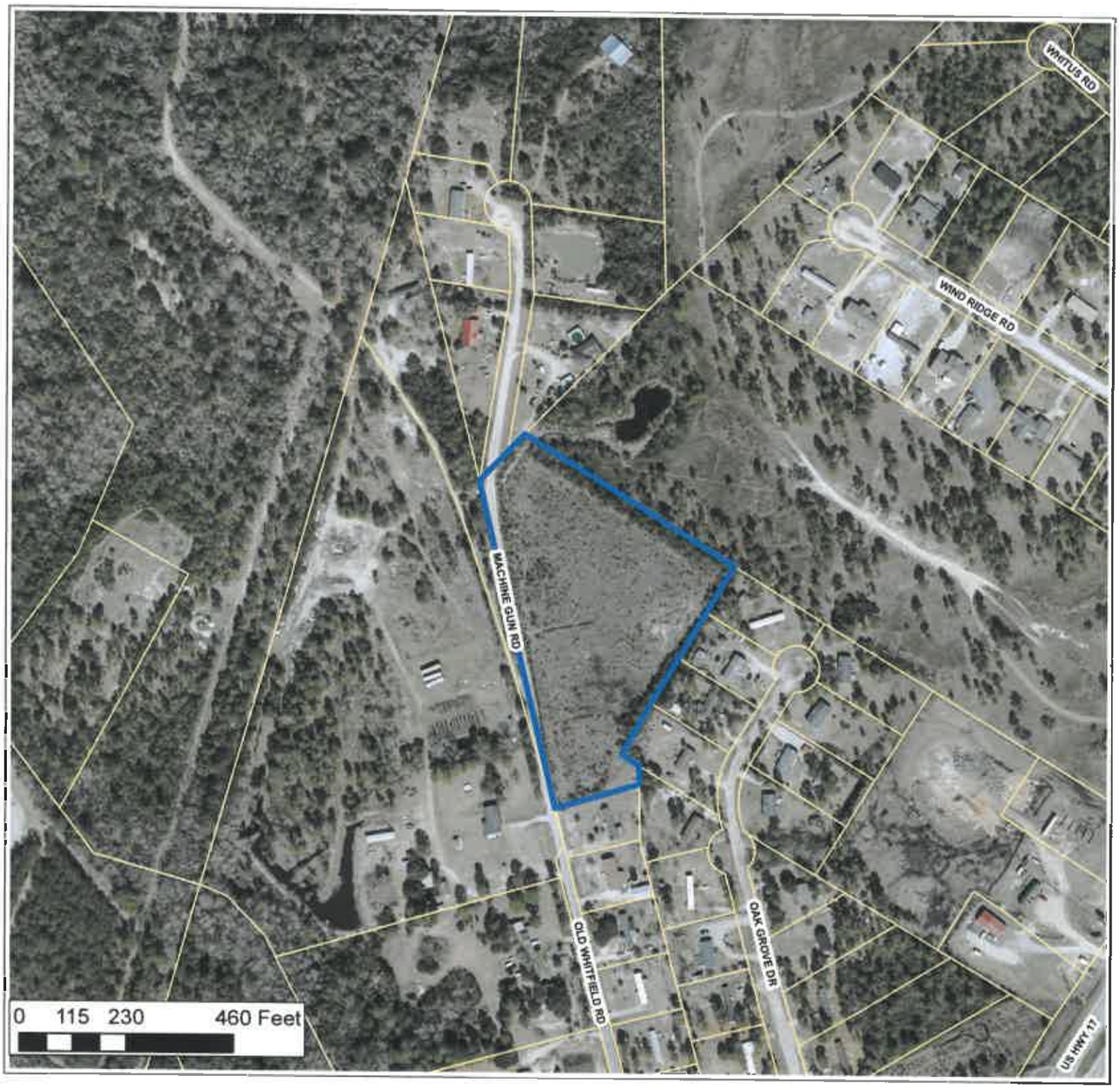
Case Number:
233-2016

Legend

- Subject Property
- Conservation
- Industrial
- Mixed Use
- Office, Institutional, Business
- Rural Growth
- Suburban Growth

N

Future Land Use



Applicant:
Live Oak Development

Owner:
Kevin Mills et al

General Use
Rezoning

Case Number:
233-2016

Legend

Subject Property

N

2012 AERIAL

PLANNING STAFF REPORT
MASTER DEVELOPMENT PLAN REVISION AND PRELIMINARY PLAT
HAMPSTEAD COMMONS

SUMMARY:

Hearing Date:	July 6, 2016
Applicant:	Ksade Ventures LLC
Property Owner:	Jeffery Beaudoin
Case Number:	Master Development Plan Revision 279-2016 Preliminary Plat 282-2016

Development Proposal:
Ksade Ventures LLC, applicant, on behalf of Jeffery Beaudoin, owner, is requesting a revision to the previously approved Master Development Plan (Case 10017) and Preliminary Plat for Phase II of the mixed-use development proposal known as Hampstead Commons. Specifically, this request for Phase II is to add seventy-two (72) single-family residential lots on ± 24.00 acres to the existing Master Development Plan with the approved commercial use located on ± 4.55 acres.

Property Record Number, Acreage, and Location: The Master Development Plan Revision and Preliminary Plat request consists of ± 28.55 acres. The subject properties are zoned PD, Planned Development zoning district. The properties are located to the north east of the residential subdivision known as Villages at Olde Point, south east of Transfer Station Road (SR 1695), south of the residential subdivision known as Belvedere, and west of Country Club Drive (SR 1565) in the Topsail Township. The subject property may be further identified by Pender County PINs: 4203-35-3583-0000 and 4203-26-9269-0000.

RECOMMENDATION
Planning Staff is submitting the proposal for Planning Board disposition. The request is consistent with four (4) policies and conflicting with one (1) policy in the 2010 Pender County Comprehensive Land Use Plan. The request is consistent with other approved planning documents; therefore Planning Staff recommends the conditional approval of the Master Development Plan Revision and Preliminary Plat request with conditions as detailed in the report. Any and all future development, as well as, all phases or changes to the Master Development Plan Revision and Preliminary Plat are subject to Planning Board review and approval.

HISTORY
On August 4, 2009 Jeff Beaudoin, applicant and owner, requested approval of a Master Development Plan for an Indoor & Outdoor Recreation Establishment, privately operated (Case 10017) (NAICS 713940).

The applicant proposed a minor subdivision for the creation of five separate tracts. Tracts 1 and 5 were proposed to be utilized by the community center and common area, climbing tower, and ropes course while the remainder of the property will be reserved for future development requiring approval at a

future date. The property was never subdivided, the climbing tower, and ropes course were never constructed (Attachment 1).

On August 3, 2010 Jeff Beaudoin, applicant and owner, requested a revision to the previously approved Master Development Plan for the Community Aquatic Lifestyle Center (Case 10017). The applicant had requested a site layout change with additional structures and specific phasing of the project dependent on the availability of sewer services for the area (Attachment 2).

On September 14, 2011 The Pender County Planning Board, voted to pass a motion to approve the Major Site Plan for the Community Aquatic Lifestyle Center Phase I and II as presented (Case 10017) (Attachment 3).

At current the commercial use of the property is an indoor and outdoor Recreation Establishment and Educational Facility. This current use of the property is in compliance with the August 4, 2009 Master Development Plan Approval.

The applicant has subdivided the property on May 23, 2016 using division method of a Three Lot Division on an Access Easement per Section 6.8. The division can be found on Map Book 59 Pages 48 with the Pender County Register of Deeds (Attachment 4). This division is compliant with the approved Master Development Plan Revision from August 3, 2010.

MASTER DEVELOPMENT PLAN

Non-Residential
Currently the existing non-residential portion of the proposed Master Development Plan Revision is identified as "Commercial" and contains ± 4.55 acres of the total ± 28.55 acre subject property. The existing commercial use is located on the eastern side of the subject property and the western side of Country Club Road (SR 1565). The existing commercial use contains the Community Aquatic Lifestyle Center which was the purpose for the previous Master Development Plan Revision originally submitted to the Planning Board on August 4, 2009 revision.

Residential
Density
Net density of the proposed project is calculated by Planning Staff at 4.02 units per acre overall. Per Section 4.8.1.C the net density in the PD, Planned Development zoning district shall be a maximum of five (5) units per acre.

All density calculations shall be in accordance with Ordinance requirements and examined further if any variables of the project change from the original Master Development Plan Revision submittal. An approved project density per Section 4.8.1.C is required at the time of Master Development Plan approval. At current the Master Development Plan Revision and Preliminary Plat is consistent with the density requirements of the Ordinance.

Overall Density

	Current Request
Total Acreage	**28.55**
Non-Residential Acreage	4.55
Wetlands Acreage	0
Right-of-Way Acreage	3.50
Open Space Acreage	
Active	1.53
Passive	1.08
Total Units	72
Developable Land	**18.97**
Net Density	**4.02**

Total Requested Lots

The original Master Development Plan (Case 10017) only consisted of a commercial use located on the eastern portion of the subject property defined under Sector 71 per Section 5.2.3 of Ordinance Table of Permitted Uses as a Fitness & Recreational Sports Centers (NAICS 713940). At current the applicant is proposing the ± 24.00 acres west of the ± 4.55 acres of existing commercial area for the location of the proposed single family detached homes. The submittal includes Phase II of the Master Development Plan Revision to include seventy-two (72) proposed single family residential lots.

Lot Requirements

As outlined in the Unified Development Ordinance, Section 4.8.1.D the Master Development Plan established the required lots sizes, yard setbacks, and building height. Building height is proposed at thirty five (35) feet and minimum lot size is proposed at 6,600 sq. feet. Currently the applicant is requesting both zero lot lines and five (5) foot side yard setbacks. The applicant is required to pick one proposed setback distance or state specifically what lots the applicant will be requesting to be approved with the specified setbacks.

Single-Family Detached

Setback	Proposed Distance (in feet)
Front	5'
Side	5' and zero lot line (8'-10' maintenance easement is required)
Corner	5'
Rear	10'

Landscaping & Buffers

All landscaping and buffers are to be approved in accordance with Section 8.2.8, Project Boundary Buffer of the Pender County Unified Development Ordinance. In multifamily and planned developments the following buffers are required; Buffer A along all boundaries adjacent to a street, Buffer B along all other boundaries, Buffer C is required along all boundaries adjacent to single family residential uses, or residential lots with a parcel size of less than one (1) acre and when a single family structure is within fifty (50) feet of the boundary of the development.

The applicant is proposing a Buffer C-2 along the western portion of the subject property bordering the parcel identified by PIN: 4203-17-8616-0000. The applicant is proposing a Buffer A-2 along the northern portion of the property adjacent to the proposed Transfer Station Road (SR 1695) extension. A Buffer B-2 is proposed along the southern boundary of the subject parcel. The buffers provided are consistent with the buffer requirements stated in the Pender County Unified Development Ordinance Section 8.2.8 (attachment 5).

Specific buffer types have been defined on the submittal and are in compliance at this time. These designations are required per Section 6.1.4.11 prior to the approval of a Master Development Plan Revision in a mixed-use district.

Open Space

Per the Pender County Unified Development Ordinance Section 7.6, all proposed residential subdivisions shall provide open space in the amount of 0.03 acres per dwelling unit within the subdivision; half of which must be designated active open space.

The required open space for the Master Development Plan Revision area is ± 2.16 acres. Currently ± 2.61 acres of open space is provided in this proposal with ± 1.53 acres to be dedicated as active open space and ± 1.08 acres to be dedicated as passive open space. The open space is consistent with the Pender County Unified Development Ordinance requirements.

Open Space	Required	Proposed
Total	2.16	2.61
Active	1.08	1.53
Passive	1.08	1.08

The open spaces proposed are located in a usable shape for active recreation. The locations of the proposed open spaces are in easily accessible areas for the future residents of the subdivision. The residents of the proposed subdivision will have suitable, safe, and convenient ingress and egress to the proposed active open space areas through sidewalks, roadways, and easements. Pedestrian connection is provided to the existing commercial use of the subject property. Pedestrian access is provided in the proposed Master Development Plan Revision through sidewalks and a multi-use path. A sidewalk is proposed in the cross section for the (fifty) 50' right of way. The sidewalk will be located within the area represented by the cross section to include roads A, B, and C.

Cluster Boxes are located east of lot fifty-eight (58) and north of lot fifty-nine (59) in the open space provided.

The open space provided is consistent with the buffer requirements stated in the Pender County Unified Development Ordinance Section 7.6.

Recreational Units

At this time the applicant is proposing a multi-use path to be located east of lots twenty-four (24), twenty-five (25), and twenty-six (26). The applicant shall be required to submit an engineered cost estimate to show the improvement represents the Financial Unit requirement as identified in the Ordinance. The applicant has not provided this documentation at this time.

Recreational facilities shall be in a configuration and location that is easily accessible to the dwelling units that they are designed to serve and may be placed within active or passive open space required areas. Recreational units are assigned a financial unit to be achieved via installation on the subject property or through a payment in lieu of in conjunction with the approved Pender County Parks & Recreation Master Plan. The timing of the installation or payment in lieu of installation shall be confirmed on the Master Development Plan per Section 7.6.2 of the Pender County Unified Development Ordinance.

Developments falling between 34-99 proposed dwelling units are responsible for a Recreational Unit of 1.0 and a Financial Unit of $10,000. Recreational units are assigned a financial unit to be achieved via installation on the subject property or through a payment in lieu of in conjunction with the approved Pender County Parks & Recreation Master Plan. At current the applicant is choosing to install the Recreation Unit.

Roadways

Public Roadways

The Pender County Collector Street Plan currently does not show any proposed collector roadways through the subject property, however a collector roadway has been bonded to the north of the subject property for the proposed Hawksbill Cove (Case # 10771) subdivision. This bonded roadway is to include the extension of the existing Transfer Station Road (SR 1695). The applicant has proposed a connection to this collector roadway identified as Transfer Station Road Extension (Attachment 6). This connection is proposed to be the applicant's primary ingress egress for the subdivision. The required date to complete Transfer Station Road Extension is September 14, 2017.

Public roadways must be built to NCDOT subdivision road standards as outlined in the NCDOT Subdivision Manual published in January 2010. These roadways are subject to NCDOT review and approval through a Driveway Permit, the applicant must submit plans to the NCDOT for approval prior to Pender County approval of this Master Development Plan Revision and Preliminary Plat submission.

Currently the subject parcel's roadway access on Country Club Road (SR 1565) is through the narrow portion of an existing flag lot. This access point is the proposed Master Development Plan Revision and Preliminary Plat secondary access point and the primary access point for the existing commercial use. Per Section 4.8.1.E.3 where the development is bound by two (2) or more NCDOT on-system roads, access to each road shall be provided at minimum. The adjacent flag lot lying to the south of the property identified by PIN: 4203-25-9409-0000 will be required to be utilized by the applicant for reasonable access to obtain the right of way needed for the connection. The NCDOT will require both parcels' owner signatures on the NCDOT Driveway Permit. A deed has been provided by the applicant stating that the applicant has the rights to utilize the adjacent property which adjoins the proposed secondary access point for the proposed Master Development Plan Revision and Preliminary Plat and the primary access point for the existing commercial use (Attachment 7).

Private Roadways

Currently all the roadways located within the subject property are proposed to be private and dedicated for public use.

According to Section 7.5.3 all designated private streets shall be designed and constructed in compliance with the current NCDOT Subdivision Roads Minimum Construction Standards. The proposed private right-of-ways are identified on the Master Development Plan at fifty (50) feet in width and forty (40) feet width with a modified valley curb.

Street Connectivity and Access
The PD, Planned Development zoning district per Section 4.8.1.E district requires reasonable access to be provided to adjacent properties for development. Adequate connections to adjacent parcels will promote interconnectivity and build road networks throughout the County. Per Section 7.5.3.C.5 these roadways are required to be designated as public when connected to adjacent parcels. The applicant has designed private roadways to be dedicated for public use. This is in compliance with the Ordinance.

Per Section 4.8.1.D.5 the applicant is showing connections to the parcel located south to create interconnectivity for future adjoining street systems. The adjacent parcel currently does not have any existing street systems. Per Section 7.5.1.B spite strips along development boundaries preventing access to streets from adjacent properties are prohibited and requires the pavement to the edge of the parcel in order to prevent spite strips. The applicant is required to provide a bulb turn around for the stub streets. The proposed Master Development Plan Revision and Preliminary Plat is currently in compliance with the Ordinance.

Traffic
Per Section 6.1.2.A.15 a Traffic Impact Analysis is required when the development generates 100 trips in the AM or PM hours or 1,000 trips per day. The TIA determines what improvements are necessary to the existing roadway network. The Traffic Impact Analysis must state the dates and times the counts were conducted. At this time an examination of traffic impact on the existing road network surrounding the subject properties is required. A scoping document has been submitted to the WMPO (Attachment 8). A request for a waiver has been submitted to the County from the applicant's consultant and is currently being reviewed and taken into consideration.

This requires the coordination with NCDOT and the Wilmington Metropolitan Planning Organization (WMPO). Currently the proposed Master Plan including the existing commercial use has a combined daily trip total of 946, peak AM trips of 97, and peak PM trips of 117.

Currently two site access points are required to be studied in the Traffic Impact Analysis.

<u>Study intersections</u>
1. Country Club / New Transfer Station extension
2. Country Club / Site Access

Pedestrian Access
Per Section 4.8.1.E.2 Pedestrian-oriented communities are encouraged to maximize opportunity for pedestrian activity and improve the quality of the pedestrian experience. The applicant has designed sidewalks on one side of the typical cross section for the proposed roadways. This cross section represents roadways A, B, and C. The proposed sidewalk will create an opportunity for increased pedestrian activity.

The current proposal demonstrates pedestrian access throughout the subdivision and demonstrates pedestrian access to the existing commercial use. The applicant has proposed a multi-use path within the open space located to the west of the existing commercial use. The multi-use path will be connected to the proposed sidewalks within the subdivision to add to the pedestrian experience that the PD, Planned Development zoning district requires.

The Master development Plan Revision request consists of viable pedestrian connections and meets the Pender Collector Street Plans requirements. The commercial elements of the proposed Master Development Plan Revision and Preliminary Plat are consistent with the Ordinance and the Pender County Collector street Plan.

Utilities and Services

Wastewater
Currently The private wastewater service provider (Pluris) has capacity for the proposed seventy-two (72) single family homes included in the Master Development Plan Revision and Preliminary Plan and has provided a letter of intent to serve (Attachment 9).

Water
The project has proposed connection to a Pender County Utilities water line; subject to review and approval by Pender County Utilities (PCU) (Attachment 10). Currently one water service terminates at Country Club Road (SR 1695) and Kings Landing Road (SR 1567). The other water service is located on US HWY 17. Currently there is a Developer agreement in place for the installation of the proposed water line (DEH Serial No: 14-00329) with the Hawksbill Cove Subdivision. This extension of the water line will extend from US HWY 17 east on Transfer Station Road Extension (SR 1695).

Environmental Concerns

The Master Development Plan area does not contain portions of environmentally sensitive areas.

Tree Survey
The PD, Planned Development zoning district requires a tree survey to be submitted prior to the Final Preliminary Plat approval. Currently this is outstanding and is not consistent with the Ordinance.

All applicable state and federal agency permits including a Stormwater Management Permit, Erosion Control Plan, wetlands impact permits, and NCDOT Driveway Permit will be required prior to the approval of the for each phase as applicable.

Technical Review Committee (TRC) Responses:
On Tuesday June 7, 2016 the Pender County Technical Review Committee reviewed the Master Development Plan known as Hampstead Commons. The responses collected can be seen in Attachment 11.

EVALUATION

A) Public Notifications: Public Notice of the proposal for the Master Development Plan Revision has been advertised in the Pender-Topsail Post and Voice. Adjacent property owners have been given written notice of the request, and a public notification sign has been placed on the property.

B) Existing Zoning in Area: The properties are located within a PD, Planned Development zoning district. The intent of the PD, Planned Development zoning district is to provide an alternative to a conventional development. The PD district allows projects of innovative design and layout that would not otherwise be permitted under this Ordinance because of the strict application of zoning district or general development standards. The PD district encourages progressive land planning and design concepts. The properties to the north east and south west east are zoned PD, Planned Development zoning district, the properties to the south on the opposite side of Country Club Drive (SR 1565) are RP, Residential Performance zoning district and the property to the north west is zoning O&I-CD1, Office and Institutional zoning district.

C) Existing Land Use in Area: The subject property is zoned PD, Planned Development zoning district. The proposed development is located to the north east of the residential subdivision known as Villages at Olde Point, south east of Transfer Station Road (SR 1695), south of the residential subdivision known as Belvedere, and west of Country Club Drive (SR 1565) in the Topsail Township

D) 2010 Comprehensive Land Use Plan: Mixed Use: The Mixed Use land use classification designates locations where a mixture of higher density/intensity uses is to be encouraged. Mixed Use areas should be characterized by physically and aesthetically unified developments containing a mixture of commercial, office, institutional, and high- and medium-density residential uses, arranged in a walkable, compact, pedestrian, and transit friendly manner.

Supporting Comprehensive Plan Policies and Goals:

a. **Growth Management Goal 1A.1** Manage the physical growth and development of Pender County by promoting more intensive land uses in key locations identified for such growth while preserving and protecting the unique physical character and social assets of the predominant rural lifestyle and coastal environment that makes the County a unique place to live.
    i. **Policy 1A.1.2**
    Encourage development in areas where the necessary infrastructure – roads, water, sewer, and schools - are available, planned or can be most cost effectively provided and extended to serve existing and future development
b. **Transportation Goal 2B.1** Manage the timing, location and intensity of growth by coordinating transportation improvements in accordance with the Comprehensive Land Use Plan and the Pender Collector Street Plan.

    i. **Policy 2B.1.4**
    Adopt regulations that require new developments and individual sites throughout the County to provide vehicular and pedestrian interconnectivity to existing or planned adjacent sites and adjoining developments.

Conflicting Comprehensive Plan Policies and Goals:

a. **Transportation Goal 2B.1** Manage the timing, location and intensity of growth by coordinating transportation improvements in accordance with the Comprehensive Land Use Plan and the Pender Collector Street Plan.

The timing of transportation improvements is inconsistent with the proposed Master Development Plan and Preliminary Plat. Currently the Hawks Bill Cove Extension has not been completed and the applicant is proposing the primary ingress egress for the proposed subdivision to this proposed incomplete roadway.

The request is consistent with four (4) policies and conflicting with one (1) policy in the 2010 Pender County Comprehensive Land Use Plan.

Proposed Conditions for Master Development Plan

1. Completion of the proposed Transfer Station Road extension is required before the Master Development Plan revision and Preliminary Plat can be signed.
2. Completion of the water line extending from US HWY 17 to Hawks Bill Cove has been completed (DEH Serial No: 14-00329).

STAFF RECOMMENDATION

Planning Staff is submitting the proposal for Planning Board disposition. The request is consistent with four (4) policies and conflicting with one (1) policy in the 2010 Pender County Comprehensive Land Use Plan. The request is consistent with other approved planning documents; therefore Planning Staff recommends the conditional approval of the Master Development Plan Revision and Preliminary Plat request with conditions as detailed in the report. Any and all future development, as well as, all phases or changes to the Master Development Plan Revision and Preliminary Plat are subject to Planning Board review and approval.

BOARD ACTION FOR MASTER DEVELOPMENT PLAN REVISION AND PRELIMINARY PLAT:
Planning Board

Motion: _____Seconded: _____

Approved: _____Denied: _____Unanimous: _____

Williams: ___ Fullerton: ___Baker: ___Carter: ___Edens: ___McClammy: ___Nalee: ___

APPLICATION FOR SUBDIVISION

THIS SECTION FOR OFFICE USE			
Application No.	PP 282-2016	Date	6-9-2016
Application Fee	$1220	Receipt No.	170
Master Plan Hearing Date	7-6-2016	Preliminary Plat Hearing Date	7-6-2016

SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	K SADE VENTURES llc	Owner's Name:	Jeffrey Beaudoin
Applicant's Address:	1800 EASTWOOD Rd #114	Owner's Address:	PO Box 538
City, State, & Zip	WILMINGTON NC 28403	City, State, & Zip	Hampstead NC 28443
Phone Number:	919-868-2009	Phone Number:	910-547-3781
Legal relationship of applicant to land owner:			

SECTION 2: PROJECT INFORMATION			
Preliminary Plat	☐ Residential RP, PD, RM, NH District	Mixed Use PD	☐ Exempt
Subdivision Type	☒ Major (11 lots or more)	☐ Minor (10 lots or less)	☐ Other
Property Identification Number (PIN):	4203-36-1126-0000	Total property acreage:	28.55 acres
Zoning Classification:	PD	Acreage to be disturbed:	28.55 acres
Additional Information:			

SECTION 3: SIGNATURES			
Applicant's Signature	[signature]	Date:	5/23/16
Owner's Signature	Jeff Beaudoin	Date:	5/23/16

NOTICE TO APPLICANT

1. Applicant or agent authorized in writing must attend the public hearing.
2. Once the public hearing has been advertised, the case will be heard unless the applicant withdraws the application or unless the Planning Board or other authorized person agrees to table or delay the hearing.
3. All fees are non-refundable.
4. A complete application packet must be submitted prior to the deadline in order to be placed on the next Planning Board Agenda.

Office Use Only

☐	Subdivision Fees: $500 + $10/lot-unit for the first 100 lots/units; $5.00/lot-unit thereafter	Total Fee Calculation: $ 1220

Attachments Included with Application: (Please include # of copies)

CD /other digital version	☐ Y ☐ N	Plan Sets	# of large 1 24x36	# of 11X17 15	Other documents/Reports	☐ Y ☐ N

Payment Method:	Cash: ☐ $_____	Credit Card: ☐ Master Card ☐ Visa	Check: ☒ Check # 3130

Application received by:	[signature]	Date: 6-9-2016
Application completeness approved by:	[signature]	Date: 6-9-2016
Date scheduled for public hearing:	7-6-2016	

RECEIVED

MAY 24 2016

PENDER PLANNING DEPT.

APPLICATION FOR MASTER DEVELOPMENT PLAN

THIS SECTION FOR OFFICE USE			
Application No.	MDP 279-2016	Date/Meeting	5/24/2016
Application Fee	$ 250	Receipt No.	169
Meeting Outcome		Meeting Date	6/14/2016 Planning Board

SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	K SADE VENTURES LLC	Owner's Name:	JEFFREY BEAUDOIN
Applicant's Address:	1800 EASTWOOD RD ste 114	Owner's Address:	PO BOX 538
City, State, & Zip	WILMINGTON, NC 28403	City, State, & Zip	HAMPSTEAD, NC 28443
Phone Number:	919-868-2007	Phone Number:	
Legal relationship of applicant to land owner:			

SECTION 2: PROJECT INFORMATION				
Type of Master Development Plan	☐ Residential RP, PD, RM MH District	☐ Commercial GB, OI, IT, GI District	☑ Mixed Use PD	☐ Exempt
Property Identification Number (PIN):	4203-36-1126-0000	Total property acreage:	28.55 AC	
Zoning Classification:	PD	Acreage to be disturbed:	28.55 AC	
Project Address:	1497 COUNTRY CLUB DR.			
Description of Project Location:				
Describe activities to be undertaken on project site:	SINGLE FAMILY RESIDENTIAL w/ 72 LOTS & ACCESS TO EXISTING, NEWLY CONSTRUCTED COMMUNITY CENTER; UPGRADING OF UTILITIES & STORMWATER AS REQ'D TO ACCOMMODATE SINGLE FAMILY			

SECTION 3: SIGNATURES			
Applicant's Signature	[signature]	Date:	5-24-16
Owner's Signature	Jeff Beaudoin	Date:	5-24-16

Complete App: YMD
5/24/2016

keith@ksade.com

PARAMOUNTE
ENGINEERING, INC.

RECEIVED
MAY 24 2016
PENDER PLANNING DEPT.

Hampstead Commons Narrative:

The proposed development is located in Hampstead on Pender County parcel # 4203-36-1126-0000. The parcel's address is 1497 Country Club Dr. with access from Country Club Drive. The proposed 72 lot single family neighborhood will primarily be accessed from the proposed Hawksbill Cove Collector Road leading to Transfer Station Rd. to the east/northeast of the site. The closest existing intersection to the property is Country Club Drive at Avila Drive.

The proposed development will offer 72 home sites ranging in size from approximately 6,600 sf to 9,000 sf. The current zoning for the site is PD and is proposed to remain PD.

The proposed single family neighborhood is tucked behind the newly constructed community center and will not generate excessive noise or other disruptions to the area. The 72 lots will add to the Pender County tax base and will make use of a currently vacant piece of property.

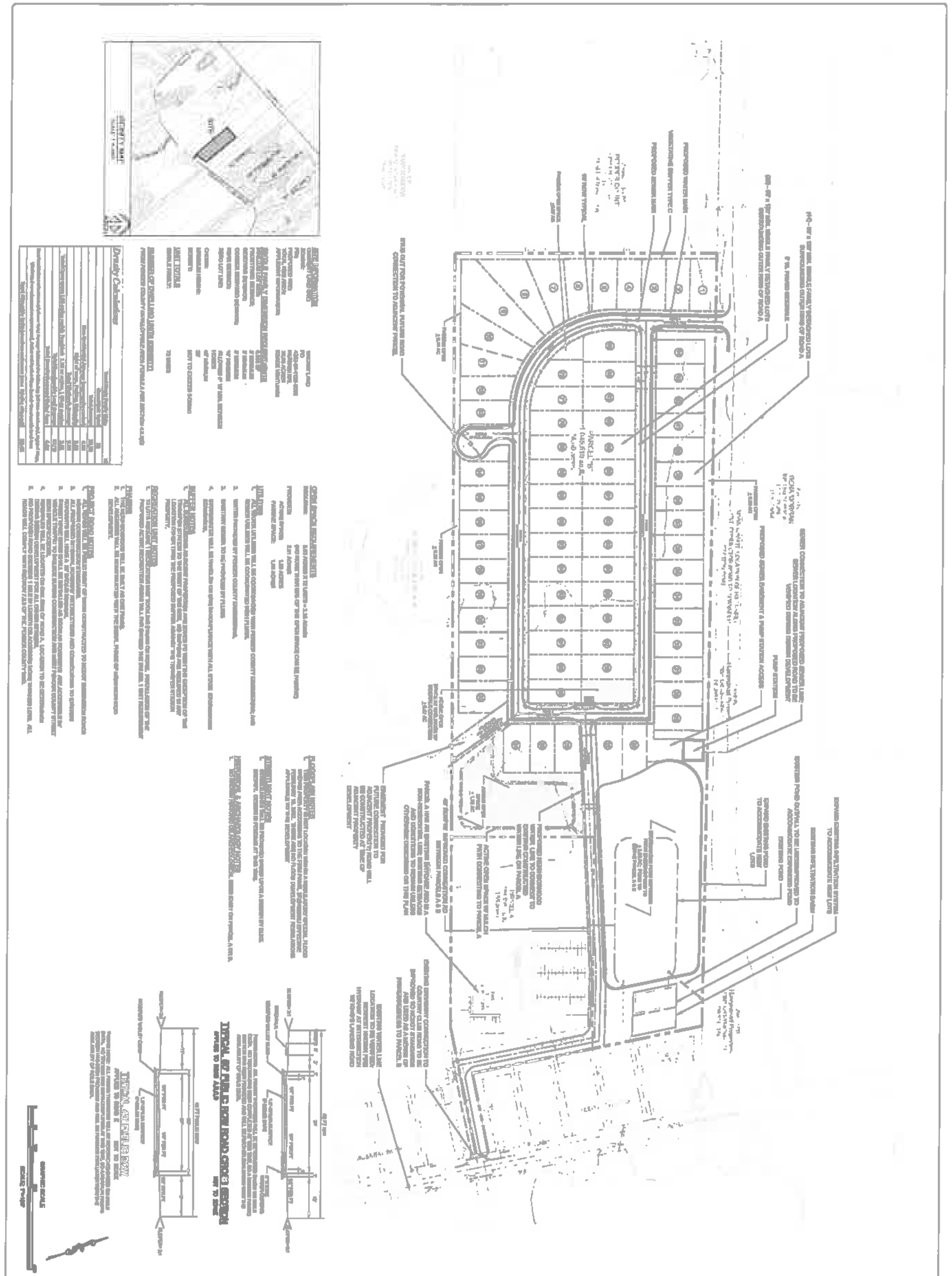
The proposed development will enlarge the existing stormwater pond and infiltration basin that was previously constructed for the newly constructed community center.

All water will be supplied by Pender County and sewer will be provided by Pluris.

There is not a traffic analysis for the project at this time. The neighborhood will be under 100 lots; therefore, no TIA is required.

All applicable local, state, and federal permits, such as state stormwater and erosion control permits, will be obtained prior to beginning construction on this project.

5911 OLEANDER DRIVE, STE. 201, WILMINGTON, NC 28403
PH: (910) 791-8707 FAX: (910) 791-8760



PRELIMINARY DESIGN - NOT RELEASED FOR CONSTRUCTION

C-1.0	MASTER DEVELOPMENT PLAN HAMPSTEAD COMMONS TOPSAIL TOWNSHIP PENDER COUNTY, NORTH CAROLINA	PARAMOUNTE		

PRELIMINARY DESIGN - NOT RELEASED FOR CONSTRUCTION

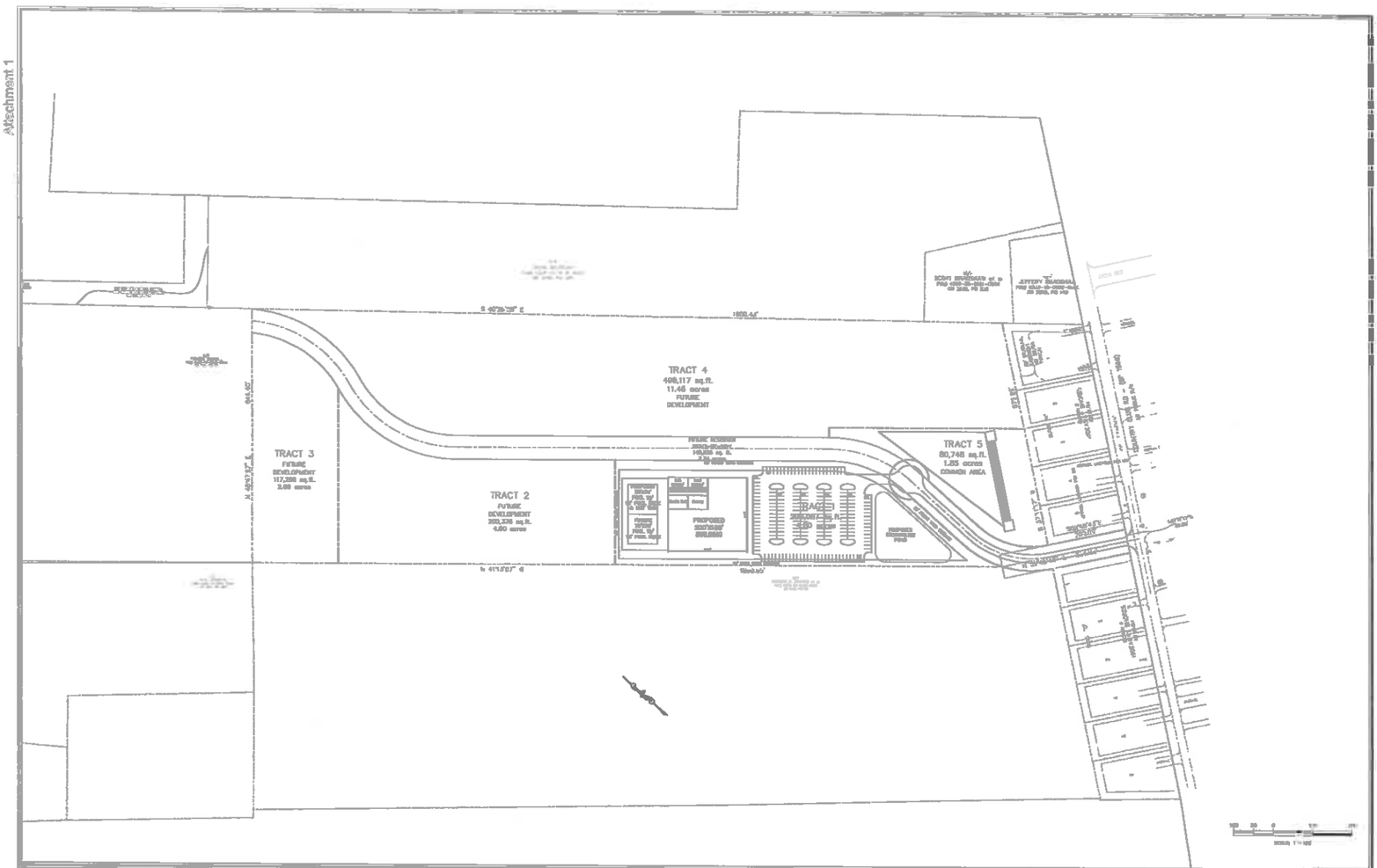
PRELIMINARY PLAT

HAMPSTEAD COMMONS
TOPSAIL TOWNSHIP
PENDER COUNTY, NORTH CAROLINA

PARAMOUNTE

C-2.0

Attachment 1



No.	Revision	Date	By

Designer	GSP	Date	
Drawn By	GSP	Date	05/02/2008
Checked By	GSP	Job No.	2008-0006

COMMUNITY AQUATIC LIFESTYLE CENTER
Hampstead — Pender County — North Carolina

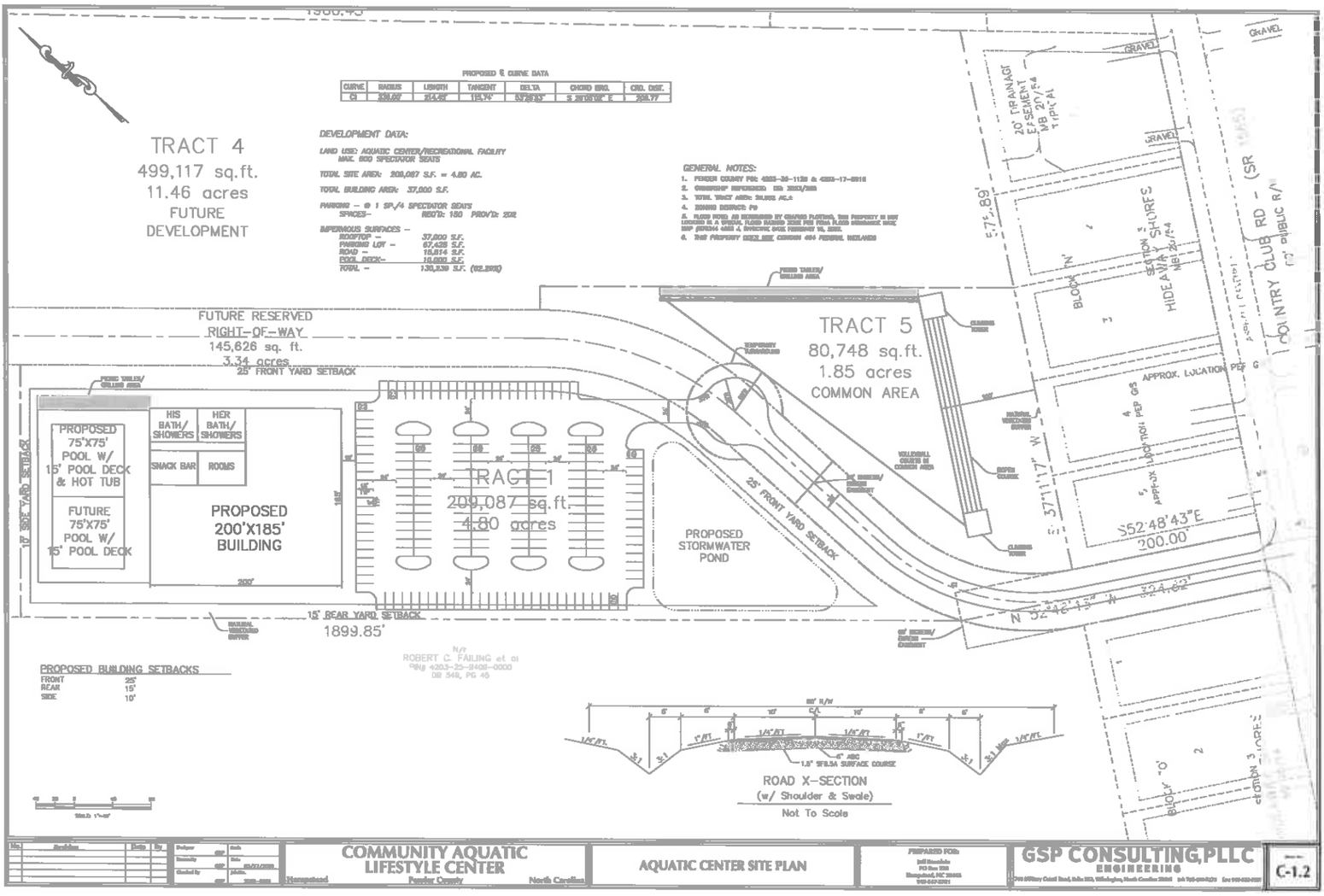
OVERALL SITE LAYOUT

PREPARED FOR:
Bill Dunstan
PO Box 538
Hampstead, NC 28443
910-602-2021

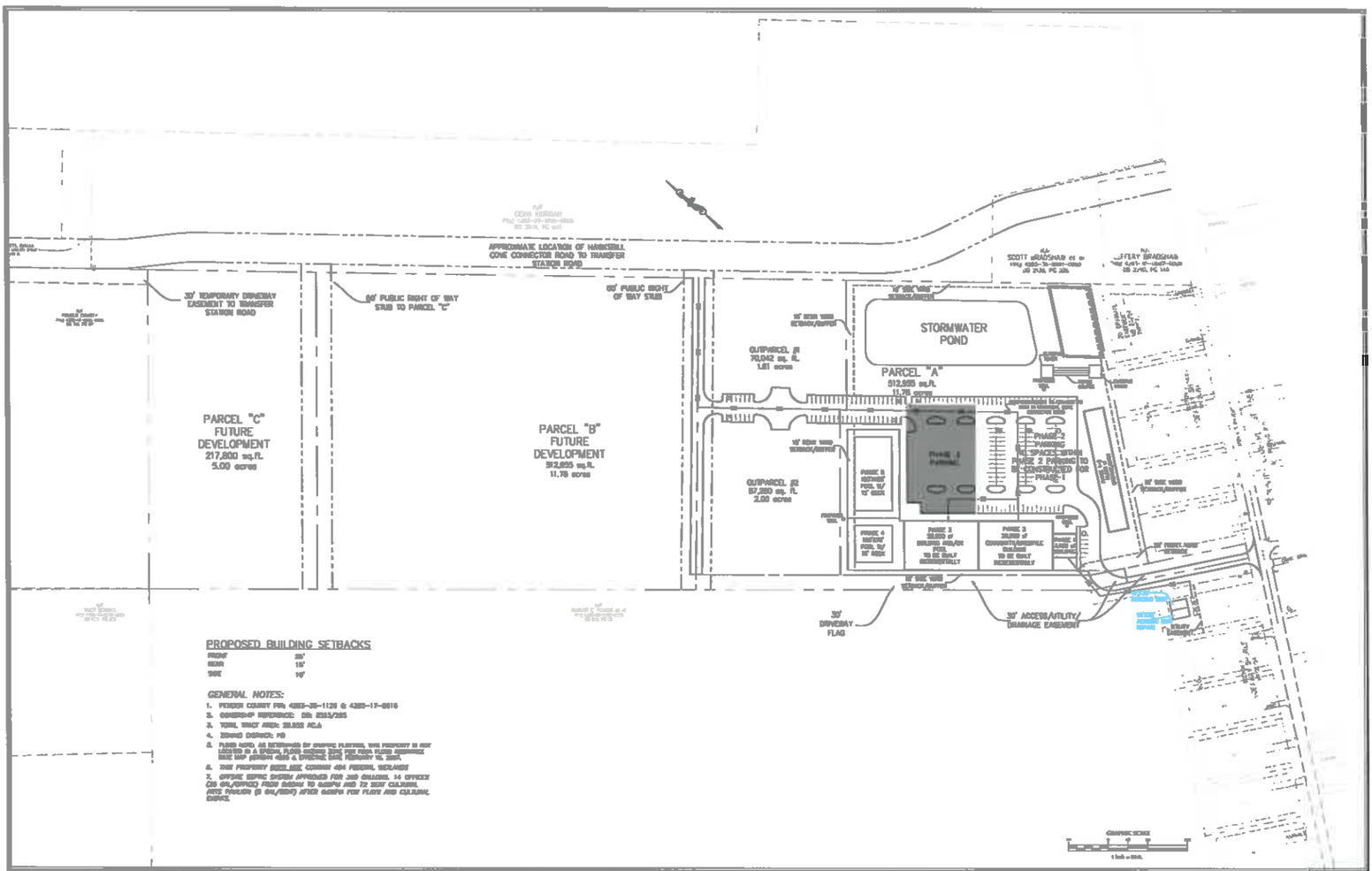
GSP CONSULTING, PLLC
ENGINEERING
703 Military Cutoff Road, Suite 102, Wilmington, North Carolina 28405 Tel: 910-450-0335 Fax: 910-452-0121

Sheet No.
C-1.1

Attachment 1



Attachment 2



PROPOSED BUILDING SETBACKS

FRONT	35'
REAR	15'
SIDE	10'

GENERAL NOTES:

1. PENDER COUNTY PIN: 4203-20-1120 & 4203-17-0016
2. OWNERSHIP REFERENCE: DB 2313/285
3. TOTAL TRACT AREA: 23.833 AC.±
4. ZONING DISTRICT: PD
5. FLOOD ZONE: AS DETERMINED BY GRAPHIC PLOTTING, THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA PER FEMA FLOOD INSURANCE RATE MAP (FIRM) PANEL 4203 & EFFECTIVE DATE FEBRUARY 16, 2006.
6. THIS PROPERTY DOES NOT CONTAIN ANY WETLANDS, SEE PLANS
7. OFFSITE SEPTIC SYSTEM APPROVED FOR 300 BEDROOMS. 14 OFFSITE (20 GAL/BEDROOM) FROM BUSINESS TO GASPER AND 72 NEW COLUMBIA, AND PARCEL B (50 GAL/BEDR) AFTER GASPER FOR PLANT AND COLUMBIA, BUSINESS.

No.	Revision	Date	By

Drafter: | Scale: 1" = 50'
Reviewed by: | Date: June 2025
Checked by: | Shts.: 1 of 1

COMMUNITY AQUATIC LIFESTYLE CENTER

Hampstead — Pender County — North Carolina

OVERALL SITE PLAN

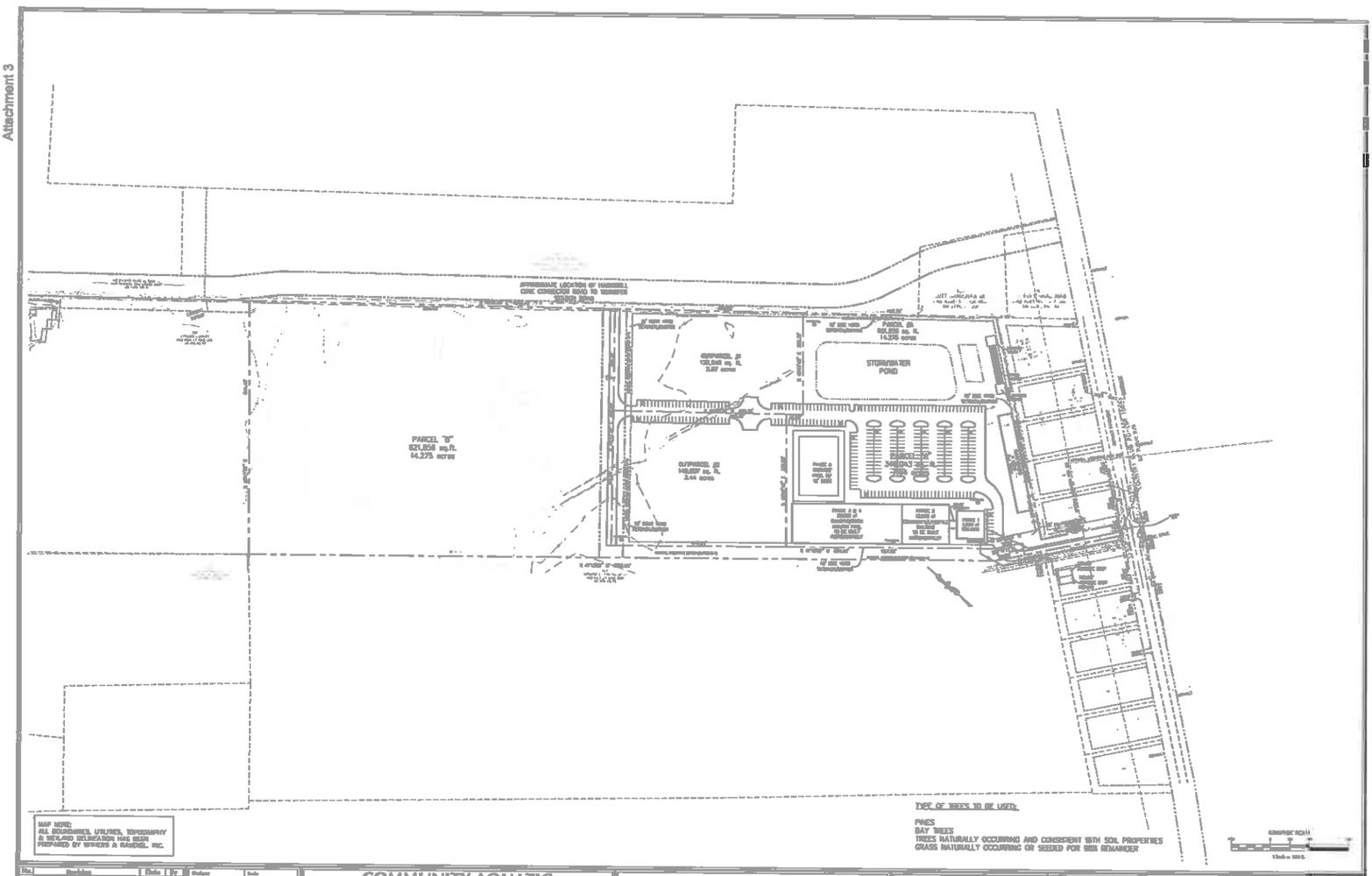
PREPARED FOR:
Jeff Dunville
PO Box 339
Hampstead, NC 28443
910-270-0729

GSP CONSULTING, PLLC
ENGINEERING
5420 Carolina Road, Unit C, Wilmington, North Carolina 28405 tel: 910-256-2575 fax: 910-910-0630

C-1

Attachment 2

Attachment 3



MAP NOTE:
ALL BOUNDARIES, UTILITIES, TOPOGRAPHY
& WETLAND DELINEATION HAS BEEN
PREPARED BY WINKER & RAGSDEL, INC.

No.	Revision	Date	By

Subject: COMMUNITY AQUATIC LIFESTYLE CENTER
Hampstead — Pender County — North Carolina

Drawn by: GSP
Checked: GSP
Scale: 1" = 100'
Date: JULY 2014
Job No.: 2010-0000
P-0000

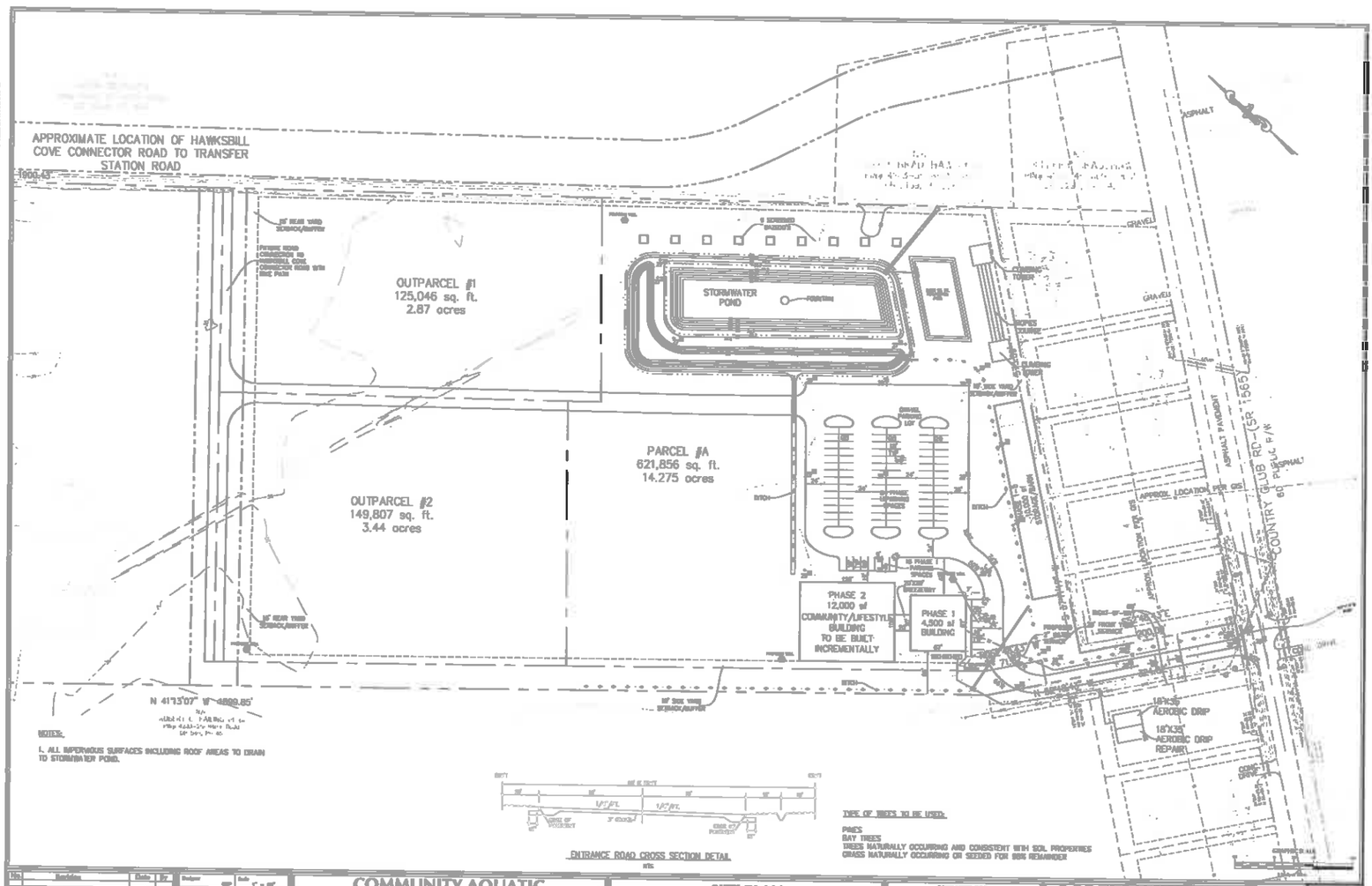
OVERALL SITE PLAN

PREPARED FOR:
[illegible]
PO Box [illegible]
Hampstead, NC 28443
910-602-[illegible]

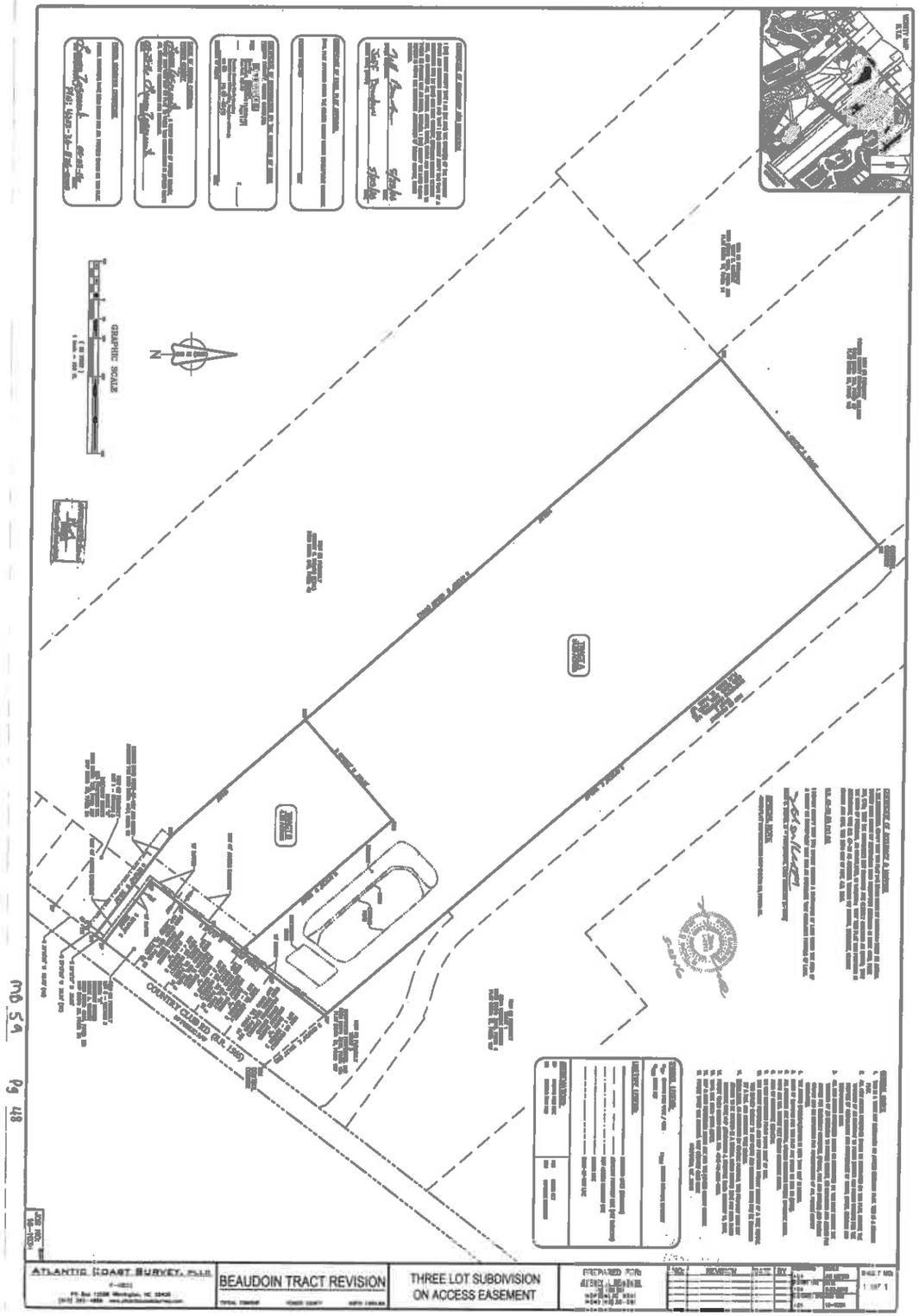
GSP CONSULTING, PLLC
ENGINEERING
[illegible] Gordon Road Unit C Wilmington, North Carolina 28411 910-[illegible]-0000 fax 910-[illegible]-0000

Sheet No. C-2

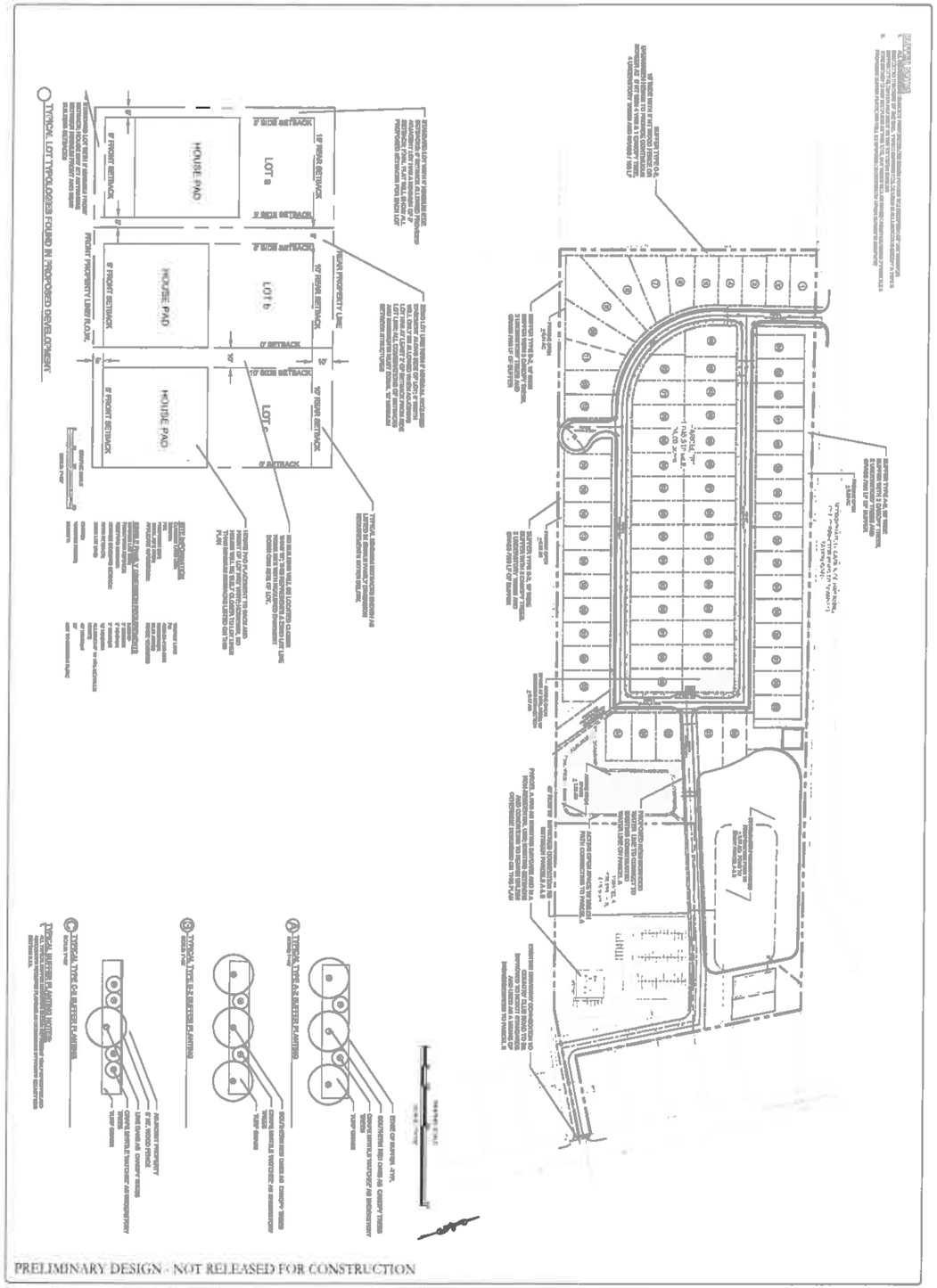
Attachment 3



Attachment 4



Attachment 5



Attachment 7

B4157 P0092 11-28-2012
15:17:03.001
Faye Teachey Prevatte PROP
Pender County, NC Register of Deeds page 1 of 7

ROAD RIGHT OF WAY AND UTILITY EASEMENT AGREEMENT

STATE OF NORTH CAROLINA

COUNTY OF PENDER

Brief description for the index: Off Country Club Road

This instrument was prepared by and returned to: W. James Brandon
P O Box 40
Hampstead, NC 28443

This **ROAD RIGHT OF WAY AND UTILITY EASEMENT AGREEMENT** is made this the 12th day of November, 2012 by and between

ROBERT C. FAILING and wife, DORIS F. FAILING

(hereinafter called "Grantor"); and

JEFFREY J. BEAUDOIN and WILLIAM A. GARRICH

(hereinafter called "Grantee")

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

W. JAMES BRANDON
ATTORNEY AT LAW
HAMPSTEAD VILLAGE
POST OFFICE BOX 40
HAMPSTEAD, NC 28443

WITNESSETH:

Whereas, Grantor is the owner of lands described in deed recorded in Book 549 Page 45 of the Pender County Registry; and

Whereas, Grantee is the owner of lands described in deed recorded in Book 3523 at Page 295 of the Pender County Registry; and

Whereas, the property of Grantor and the property of Grantee are adjoining tracts of land; and

Whereas, Grantor has agreed to provide Grantee with an easement for ingress, egress, regress, private roads, public roads, North Carolina Department of Transportation roads, utilities, including but not limited to, electric, telephone, cable, septic, waste water, and potable water supply lines and discharge lines (hereinafter utilities) and other matters over, under, upon and across a portion of the land of Grantor to service the land of Grantee; and

WHEREAS, Grantor and Grantee previously entered into a ROAD RIGHT OF WAY AGREEMENT (Original Agreement) as evidenced by instrument recorded in Book 3580 at Page 081 of the Pender County Registry; and

WHEREAS, Grantor and Grantee agree to release each and the other from the provisions, conditions and obligations of each to the other as set forth in said Original Agreement recorded in Book 3580 at Page 081 of the Pender County Registry by execution of this New Agreement to benefit the Grantee at the request of the Grantee; and

WHEREAS, Grantor and Grantee have agreed to reduce the terms of their Agreement to writing.

NOW, THEREFORE, in consideration of the sum of $1.00 and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and in accordance with the recitals which by this reference are made a substantive part hereof, Grantor hereby grants to Grantee, the right of way for a public road, utilities, including but not limited to electric, telephone, cable, septic, waste water, and potable water supply lines and discharge lines and other matters, and releases the Grantee from all claims for damages by reason of said right of way across the lands of the Grantor and the future use thereof by the Grantee, its successors and assigns, for all purposes for which the North Carolina Department of Transportation, its successors and assigns, for all purposes for which the North Carolina Department of Transportation is authorized by law to subject said right of way; said right of way being the width indicated and across said property as follows:

See attached Exhibit A for property description of the Easement Area.

V JAMES BRANDON
ATTORNEY AT LAW
HAMPSTEAD VILLAGE
POST OFFICE BOX 40
HAMPSTEAD, NC 28443

This ROAD RIGHT OF WAY AND UTILITY EASEMENT AGREEMENT is granted on the following terms and conditions:

1. Grantee shall be responsible for all costs of construction and the continuous maintenance of the Road and Utilities constructed on the Easement Area in accordance with all applicable laws, rules and permit conditions in order to protect the public health and the public interests.

2. Grantee shall have the right to go upon said lands whenever the same is reasonably necessary for the purpose of constructing, inspecting, maintaining, and repairing said Road Utilities and all other matters addressed herein; provided, that in constructing, inspecting, maintaining, and repairing said Road and Utilities and all other matters identified herein, Grantee remove all surplus earth, make level the surface of the ground along said Road restoring the easement area to its original appearance, and interfere as little as is reasonably necessary with said property.

3. This ROAD RIGHT OF WAY AND UTILITY EASEMENT AGREEMENT shall be an appurtenance to the property of Grantee described on the attached Exhibit B.

4. Grantor shall be responsible to Grantee for any and all damage of whatsoever nature done or caused by Grantor to the Road and Utilities.

5. Grantee shall be responsible for any and all damage of whatsoever nature done to Grantor's property, including but not limited to, any damage to any structure, driveway, trees or other vegetation outside the boundaries of this easement.

6. Grantor covenants that no excavation, building, structure or obstruction will be made, constructed or permitted within the area of the easement or during the term of the easement described herein without prior written notice to Grantee.

7. It is agreed that this ROAD RIGHT OF WAY AND UTILITY EASEMENT AGREEMENT covers all the agreements between the parties, and no representations or statements, verbal or written, have been made modifying, adding to, or changing the terms of this Agreement.

8. It is agreed that the said right of way and easement shall be used and is intended to be used by the Grantee for the purposes set forth hereinabove together with the right to repair and maintain the Road and Utilities and all of the other improvements addressed herein, and Grantor shall retain all right, title and interest in the said lands, except for the right of way and easement as conveyed herein.

9. It is agreed that the Grantee shall have the power, without the joinder of the Grantor, to convey this ROAD RIGHT OF WAY to the North Carolina Department of Transportation for inclusion in the North Carolina Secondary Road System.

A. JAMES BRANDON
ATTORNEY AT LAW
HAMPSTEAD VILLAGE
POST OFFICE BOX 40
HAMPSTEAD, NC 28443

10. The Grantor further agrees not to erect any structures, including masonry mailboxes, masonry driveway headwalls, any fencing, etc., or engage in cultivation within the right of way granted herein, except as approved by the North Carolina Department of Transportation pursuant to G.S. 136-93 and N. C. Administrative Code 19A NCAC 02E.0404.

11. The Grantor further agrees that this grant of easement includes an easement for ingress, egress, regress, utilities, private roads, public roads, North Carolina Department of Transportation roads, drainage, landscaping, lightscaping, entrance features including signage, and the continuous right to construction, reconstruction, maintenance and repair of all of the improvements to the Easement Area.

To have and to hold the above granted and described easement and right of way and all privileges and appurtenances thereunto belonging for the purposes herein expressed to the Grantee.

And the said Grantor does covenant to and with the said Grantee, that he is seized of the property over which said easements and rights of way are granted and that he has good right to convey said easements and rights of way; that the same are free and clear from all encumbrances, and that he shall warrant and defend the title to the same against the lawful claims and demands of any and all persons whomsoever.

[Remainder of this Page intentionally left blank]

[This document contains a separate Signature Page]

F. JAMES BRANDON
ATTORNEY AT LAW

HAMPSTEAD VILLAGE
POST OFFICE BOX 40
HAMPSTEAD, NC 28443

In Witness Whereof, the Grantor has hereunto set his hand and seal.

Robert C. Failing (SEAL)
Robert C. Failing

Doris F. Failing (SEAL)
Doris F. Failing

STATE OF NORTH CAROLINA, COUNTY OF NORTH CAROLINA

I, certify that the following person(s), known to me or proved to me on the basis of satisfactory evidence to be the person(s) described personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated, if any:

Robert C. Failing and Doris F. Failing

Date: 11-17-2012

Susie Brandon
(Signature of Notary)

(Official Seal)

SUSIE BRANDON
(Printed or typed name of Notary Public)

MY COMMISSION EXPIRES
8-30-2014

SUSIE BRANDON
NOTARY
PUBLIC
PENDER COUNTY, NC

J. JAMES BRANDON
ATTORNEY AT LAW
HAMPSTEAD VILLAGE
POST OFFICE BOX 48
HAMPSTEAD, NC 28443

Pender County, NC Register of Deeds B4167 P0097 11-26-2012 16:17:55.001 Faye Teachey Prevette PROP page 8 of 7

EXHIBIT A

An easement for a public road, utilities and other matters to service the property described on the attached Exhibit B over and upon the following described property:

Lying and being in Topsail Township, Pender County, North Carolina and more particularly described as follows:

COMMENCING at a concrete monument on the northern right-of-way line of Country Club Road (S.R.# 1565; 60 foot public right-of-way) at the northeast corner of Lot 1, Block "N" as shown on a map titled "Section 3 of Hideaway Shores", recorded in Map Book 20, page 54 of the Pender County registry, running thence S 37° 11' 22" W for a distance of 562.02 feet to a point on said northern right-of-way line at the southeast corner of the 28.552 acre tract of land shown on a map titled "Survey for Robert C. Failing and wife Doris C. Failing", recorded in Map Book 16, page 68 and conveyed to Gary F. Hewitt by a deed recorded in Deed Book 3476, page 93, said point being the point of beginning, thence,

From the **POINT OF BEGINNING**, along said northern right-of-way line, S 37° 11' 17" W for a distance of 30.00 feet to a point at the northeast corner of Lot 1, Block "O" as shown on said Hideaway Shores map.
Thence, departing said right-of-way line and running along the northeastern boundary line of said Lot 1, Block "O" and extending through and beyond the northwestern corner of said Lot 1, Block "O", N 52° 48' 43" W a distance of 324.82 feet,
Thence, N 37° 11' 17" E for a distance of 30.00 feet to a point on the southwestern boundary line of said 28.552 acre tract.
Thence, along said southwestern boundary line, S 52° 48' 43" E for a distance of 324.82 feet to the **POINT OF BEGINNING**;

The same containing 9745 square feet or 0.224 acres, more or less.

JAMES BRANDON
ATTORNEY AT LAW
HAMPSTEAD VILLAGE
POST OFFICE BOX 40
HAMPSTEAD, NC 28443

EXHIBIT B

Description of Parcel to be serviced by the Easement.

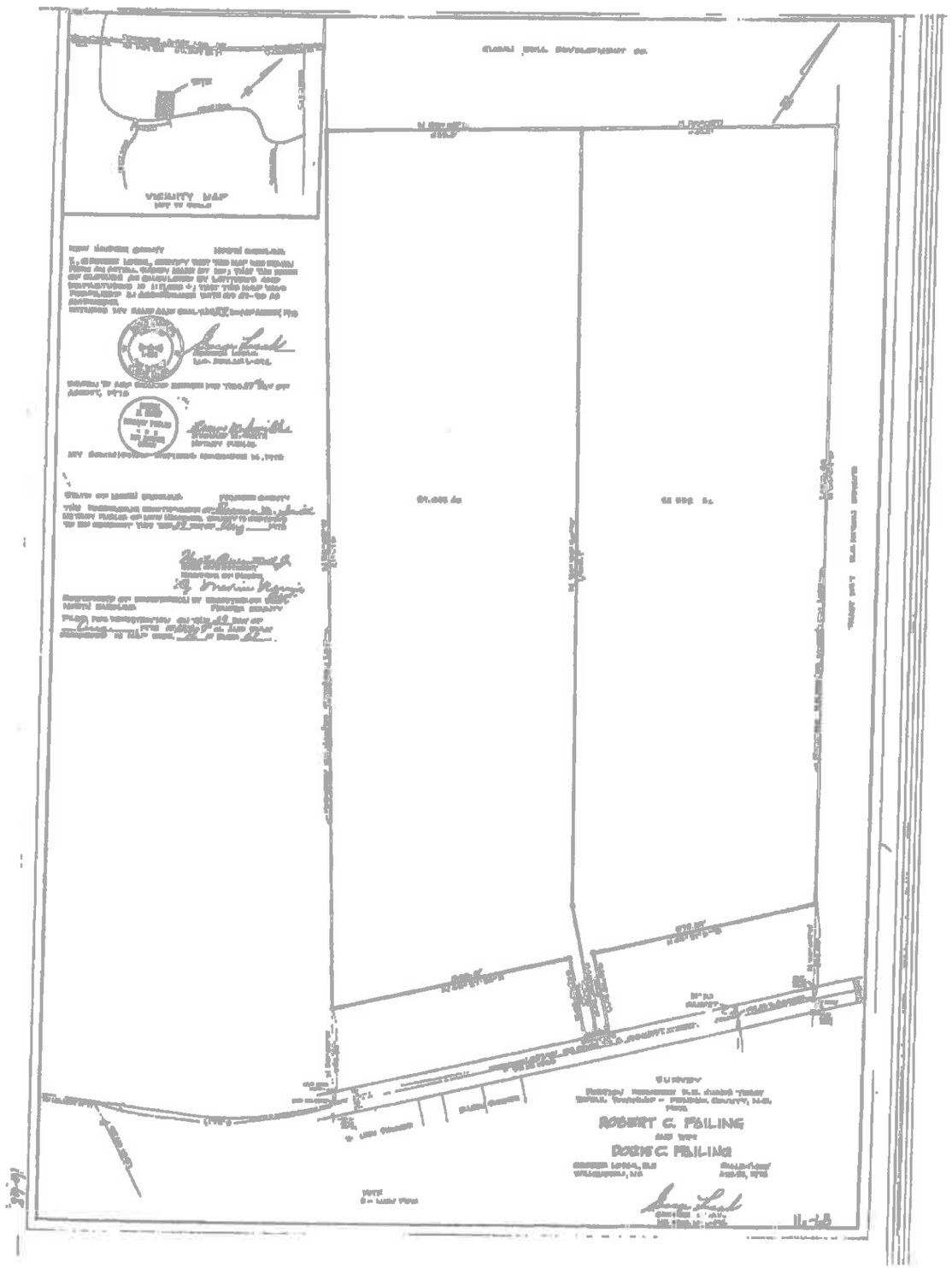
LOCATED IN TOPSAIL TOWNSHIP, PENDER COUNTY, NORTH CAROLINA, AND BEING DESCRIBED AS FOLLOWS:

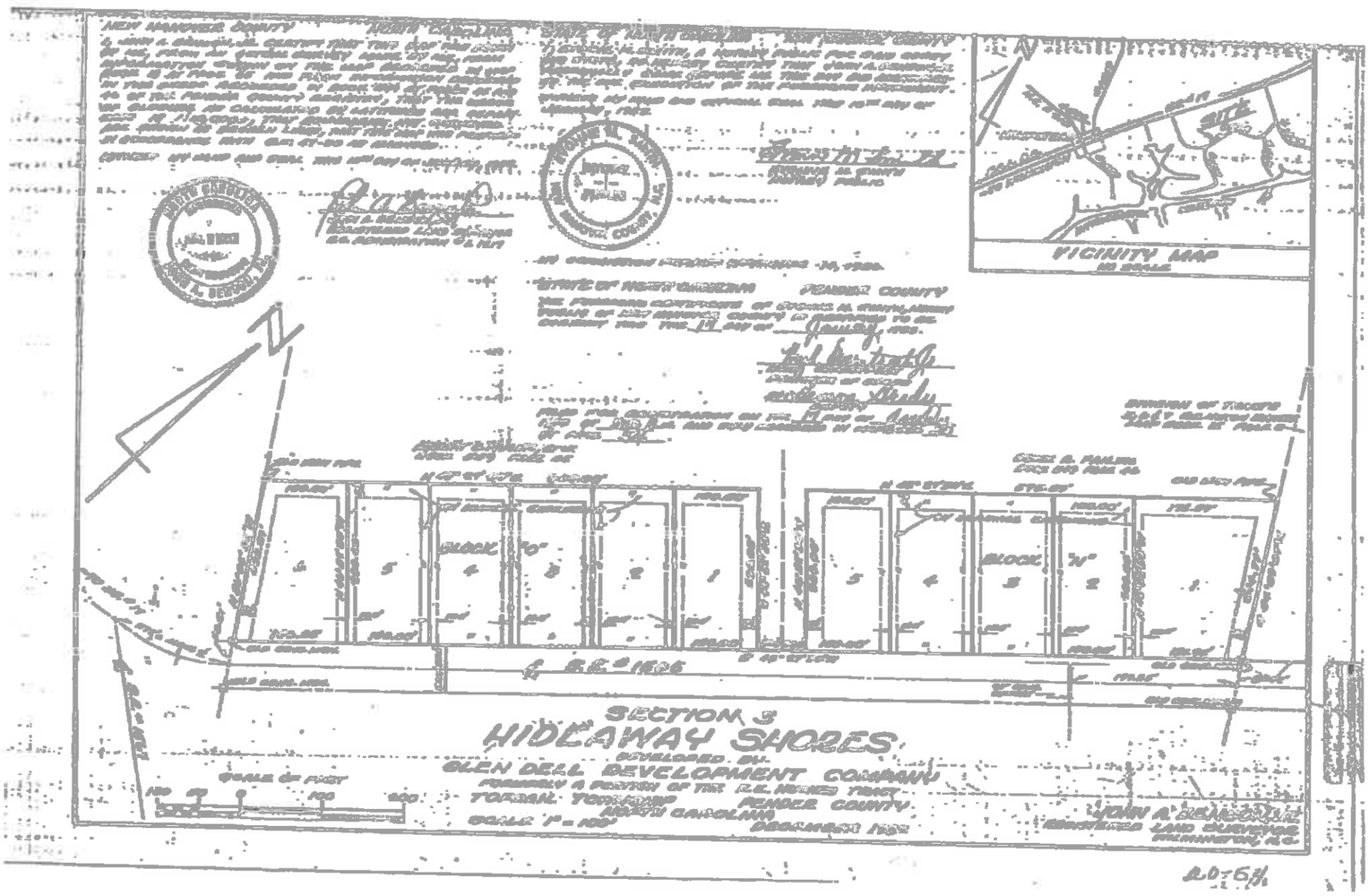
BEGINNING AT AN IRON PIPE IN THE NORTHERN LINE OF THE FORMERLY R. E. HUGHES TRACT OF LAND, AS SHOWN ON THE MAP OF THE DIVISION OF LAND FOR GLEN DELL DEVELOPMENT COMPANY, AS PREPARED BY JOHN A. BENSON, REGISTERED LAND SURVEYOR; DATED JUNE 1976, SAID PIPE BEING LOCATED NORTH 34 DEGREES 09 MINUTES WEST 235.49 FEET FROM AN OLD IRON ROD IN THE CENTERLINE OF S.R. #1565, SAID ROD BEING LOCATED NORTH 43 DEGREES 27 MINUTES 30 SECONDS EAST 199.85 FEET FROM A CONCRETE CULVERT UNDER SAID S.R. #1565, SAID CULVERT IN TURN BEING 0.45 MILES NORTHWARDLY FROM THE INTERSECTION OF SAID S.R. #1565 WITH S.R. #1567; RUNNING THENCE FROM SAID BEGINNING POINT, PARALLEL TO, AND 230.0 FEET WESTWARDLY FROM THE CENTERLINE OF THE AFOREMENTIONED S.R. #1565, SOUTH 43 DEGREES 27 MINUTES 30 SECONDS WEST 575.89 FEET TO AN IRON PIPE; RUNNING THENCE AT RIGHT ANGLES, SOUTH 46 DEGREES 32 MINUTES 30 SECONDS EAST 200.00 FEET TO AN IRON PIPE IN THE WESTERN RIGHT OF WAY LINE OF S.R. #1565; RUNNING THENCE WITH SAID RIGHT OF WAY SOUTH 43 DEGREES 27 MINUTES 30 SECONDS WEST 30.0 FEET TO AN IRON PIPE; RUNNING THENCE AT RIGHT ANGLES NORTH 46 DEGREES 32 MINUTES 30 SECONDS WEST 324.82 FEET TO AN IRON PIPE; RUNNING THENCE NORTH 34 DEGREES 55 MINUTES 30 SECONDS WEST 1,900.1 FEET TO AN IRON PIPE; RUNNING THENCE NORTH 55 DEGREES 05 MINUTES EAST 644.4 FEET TO AN IRON PIPE IN THE NORTHERN LINE OF THE AFOREMENTIONED GLEN DELL DEVELOPMENT COMPANY'S TRACT OF LAND; RUNNING THENCE WITH SAID LINE, SOUTH 34 DEGREES 09 MINUTES EAST 1,900.46 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, CONTAINING 28.552 ACRES, MORE OR LESS; THE FOREGOING SURVEY AND DESCRIPTION PREPARED BY GEORGE LOSAK, N.C. REGISTRATION NUMBER L-494.

AND BEING ALL OF THAT CERTAIN 28.55 ACRE TRACT OF LAND DESCRIBED IN DEED RECORDED IN BOOK 3523 AT PAGE 298 OF THE PENDER COUNTY REGISTRY

. JAMES BRANDON
ATTORNEY AT LAW

HAMPSTEAD VILLAGE
POST OFFICE BOX 49
HAMPSTEAD, NC 28443


VICINITY MAP
ROBERT C. FAILING
DORIS C. FAILING


VICINITY MAP
BLOCK "O"
BLOCK "N"
SECTION 3
HIDEAWAY SHORES
GLEN DELL DEVELOPMENT COMPANY
TOWN OF TOPSAIL
PENDER COUNTY
NORTH CAROLINA
JOHN A. BERGER
REGISTERED LAND SURVEYOR
WILMINGTON, N.C.

Attachment 8

WILMINGTON URBAN AREA
Metropolitan Planning Organization

P.O. Box 1810
Wilmington, North Carolina 28402
910 341 3258 910 341 7801 FAX

Traffic Impact Analysis: Scoping

01.02.14

The purpose of this document is to outline and streamline the Traffic Impact Analysis (TIA) scoping process. The process is as follows:

1. Contact the Wilmington Metropolitan Planning Organization (WMPO) to determine if a TIA will be required for the development you are proposing within the WMPO Planning Area Boundary. If a TIA is required, the WMPO will coordinate with the Applicant, NCDOT and the governing planning department to set a scoping meeting.
2. The Applicants Traffic Engineer shall fill out the checklist below in its entirety in as much detail as possible, include all exhibits and documentation as noted in the checklist and provide it to the WMPO representative no later than 3 business days prior to the date of the scoping meeting.
3. The Applicant's Traffic Engineer (and other interested representatives from the Applicants Design Team) shall attend the scoping meeting.
4. Once the scope has been established and agreed upon, the WMPO will coordinate with NCDOT and the governing Planning department to finalize a formal scoping letter. If the checklist is completed in sufficient detail, the scoping letter should be issued within 10 business days of the date of the scoping meeting.
5. The Applicant shall submit the TIA to the WMPO, NCDOT, and governing planning agency for review. Once the TIA has been received, an estimated review schedule will be provided based on caseload of the reviewing agencies and the complexity of the TIA.

TIA Scoping Checklist:

1. Engineering Firm of Record: Ramey Kemp & Associates
2. Contact information: Applicant Andy Archer
   Email aarcher@rameykemp.com
   Address 5808 Faringdon Place, Suite 100 Raleigh, NC 27609
   Phone Number 919-872-5115
3. Development Name: Hampstead Commons
4. Tax Parcel ID #: 4203-36-1126-0000
5. Site Address(s): 1509 Country Club Road
   Hampstead, NC 28443

6. Development Concept:

   a. Provide a site plan or conceptual bubble diagram (include road circulation pattern and access points). Attached.

7. Is the development proposed to be built in a single or multiple phases? ☒ SINGLE ☐ MULTIPLE

8. What is the proposed build out year(s)? 2019

9. Proposed Intersections to be studied:

   ☐ _____
   ☐ Country Club / New Transfer Station
   ☐ Country Club / Site Access
   ☐ _____
   ☐ _____

10. Site Trip Generation:

   a. Provide a trip generation estimate using the ITE Trip Generation Manual. Attached.
   b. Provide pass-by and internal capture reduction calculations if applicable.

11. Check all that apply:

   ☐ A proposed school
   ☐ Estimated average daily trips equal or exceed 10,000/day
   ☐ Within the area of a known Transportation Improvement Project (TIP) www.NCDOT.org/planning/development/TIP/Tip

12. Site Trip Distribution: TBD with traffic counts

   a. Provide an exhibit to illustrate proposed site trip distribution patterns. Please see the attached example indicating the level of detail needed.
   b. Provide an exhibit to illustrate proposed pass-by site trip distribution patterns. Please see the attached example indicating the level of detail needed.

13. Approved Adjacent Developments: None?

   a. Contact the local jurisdiction's planning department to obtain information on all development that has been approved yet not granted certificates of occupancy within a five mile radius of the proposed development boundary
   b. Provide supporting documentation (email is acceptable) from the governing authority.

14. Roadway or Intersection improvements (planned and funded or required by others based on an approved TIA) within the General Study Area:

   ☐ None - TIP U-5732 is outside study area
   ☐ _____
   ☐ _____

15. Growth Factor: ☒ 1 % (provide supporting methodology/reasoning)

16. Hours of Study: ☒ Weekday (7:00 AM – 9:00 AM) and (4:00 PM – 6:00 PM)
   ☐ Other _____ (provide supporting methodology/reasoning)

17. Data Collection: ☐ While traditional school is in session
☐ Other _____ (provide supporting methodology/reasoning)
Schools are out; can adjust AM peak hour counts if necessary

18. Methods of Study: (to be performed using the NCDOT approved version of SYNCHRO/SimTraffic)

   a. Existing Conditions
   b. Background Future No-Build Conditions [existing + background growth + approved developments + committed improvements]
   c. Combined Future Build Conditions [background + site trips]
   d. Combined [Future Build Conditions/Traffic with improvements to mitigate the proposed development's impacts]
   e. Additional Scenarios as warranted;
      ☐ A request for a control of access break or modification
      ☐ A request for a median modification or break
      ☐ TIP design year analysis

19. Include Traffic Signal Warrant Analysis: ☐ YES ☐ NO

List locations: ☐_____
☐_____
☐_____

20. Note:

   a. The TIA report shall be prepared following NCDOT Congestion Management guidelines and signed and sealed by a Professional Engineer. Any deviations must be approved prior to submitting the TIA. Failure to do so will result in an invalid submittal. https://connect.ncdot.gov/resources/safety/Pages/Congestion-Management.aspx
   b. Unless proposed by the project developer, any improvements shown as needed for the background no-build condition shall reflect programmed and funded State/Municipal projects or those required as mitigation for surrounding approved development. Should improvements outside those listed above be included, the TIA is considered invalid and will not be reviewed.
   c. If the developer wishes to phase recommended/required improvements, the TIA shall be phased accordingly.
   d. If any changes occur (including but not limited to; land use, intensity and/or site access) additional scoping and analysis may be required.
   e. Data collected or analysis performed prior to an official scoping letter is issued may be considered invalid.
   f. Scoping letters typically remain valid for three months from the date of issuance.

Attachments: WMPO Planning Area Boundary Map
NCDOT Congestion Management Capacity Analysis Guidelines
Trip Distribution/Pass-by Trip Distribution Exhibits

Summary of Multi-Use Trip Generation
Average Weekday Driveway Volumes (Unadjusted for Internal Trips)

Project: Hampstead Commons
Phase:

Open Date:
Analysis Date:

Description: 72 Homes and Day Care with 40 students

ITE:Land Use	24 Hour Two-Way Volume	AM Pk Hour Enter	AM Pk Hour Exit	PM Pk Hour Enter	PM Pk Hour Exit
210: Single Family Detached Housing 72 Dwelling Units [E]	776	15	45	49	29
565: Day Care Center 40 Students [R]	175	17	15	15	17
Total Driveway Volume	951	32	60	64	46
Total Peak Hour Pass-By Trips		0	0	0	0
Total Peak Hour Vol. Added to Adjacent Streets		32	60	64	46

Note: A zero indicates no data available.
Source: Institute of Transportation Engineers
Trip Generation Manual, 9th Edition, 2012

TRIP GENERATION 2013, TRAFFICWARE, LLC

Attachment 9

Intention to Provide Utility Service(s)

To Pender County Planning and Community Development – Division of Planning

Please be advised that we have been granted a Certificate of Public Convenience and Necessity by the North Carolina Utilities Commission to provide water and/or sewer utility service to the property described below. It is our intention to provide the following utility services) pursuant to GS 130A-337"

____ Water Service

✓ Sewer Service

Property owner: Paramounte Engineering, Inc

Property address: Transfer Station Rd, Hampstead, NC 28443

Subdivision: Hampstead Commons Lot #: _____

Number of bedrooms: n/a Comm.

Any applicable service limitations: 72 single family lots

Authorized signature 6/15/16 Date

Pluris Hampstead, LLC 1095 Hwy 210 Sneads Ferry, NC 28460

Company name and Contact Information

PLEASE REMIT COPY OF BUILDING PERMIT TO PLURIS UPON ISSUANCE

Authorization to Connect to Utility Service(s)

Please be advised that the above-described property is authorized to connect to the following utility service(s) pursuant to GS 130A-339:

____ Water Service

____ Sewer Service

Authorized signature Date

Pluris Hampstead, LLC 1095 Hwy 210 Sneads Ferry, NC 28460

Company name and Contact Information

Pender County Planning and Community Development - Division of Planning
805 S. Walker Street (Physical Address) PO Box 1519 (Mailing Address)
Burgaw, NC 28425
(910) 259-2110 (910) 259-1295 (fax)

Attachment 10

PENDER COUNTY UTILITIES
P.O. BOX 995
605 E. FREMONT STREET
BURGAW, NC 28425

June 15, 2016

Mr. Jeffery Beaudoin, Owner
K Sade Ventures LLC, Applicant

RE: Water Capacity
Hampstead Commons – 72 Residential Units

Mr. Beaudoin:

Please find this letter as written confirmation that, at this time, Pender County Utilities has sufficient water capacity to provide water service to the proposed Hampstead Commons Development, including 72 residential units.

However, until such time as water main is extended from its current terminus on Country Club Road at approximately Kings Landing Road, and until such time as water main is extended from US HWY 17 to Country Club Road along Transfer Station Road and the Future Transfer Station Road Extension; water service will not be available to serve Hampstead Commons. The County has a Developer Agreement in place that requires the Developer of the Hawksbill Cove Subdivision to install the proposed waterline (DEH Serial No: 14-00329, Transfer Station Road Extension), and it is our understanding that this project will begin construction before the end of this summer (Summer 2016).

Please feel free to contact me should you have any questions pertaining to this matter.

Thank you,

Bryan McCabe, PE, Project Engineer
Pender County Utilities

PENDER COUNTY UTILITIES
PHONE: (910) 259-1570
FAX: (910) 259-1579

Cape Fear Council of Governments RPO
No Attendance.
Four County Electric Company
No Attendance.
NC DENR Division of Coastal Management
No Attendance.
NC DENR Division of Forestry
No Attendance.
NCDENR, Division of Energy, Mineral, and Land Resources - Land Quality Section
No Attendance.
NC DENR Division of Waste Management
No Attendance.
NC DEQ Division of Water Quality
No Attendance.
NC DOT Division of Highways
No Attendance.
NC DOT Transportation Planning Branch
No Attendance.
NC Office of State Archaeology
No Attendance.
NC Wildlife Resources Commission
No Attendance.
Pender County Addressing Coordinator
Must submit alternate Sub-division names for Hampstead Commons. Duplicate or phonetically similar names are not allowed under current ordinance language.
Pender County Building Inspections
No Response.
Pender County Emergency Management
No Attendance.
Pender County Environmental Health
No Attendance.

Pender County Fire Marshal

Street frontage

Every lot shall about a public street or private street approved that is at least 20ft in width and to with stand an emergency vehicle of 80,000 lbs.

Does the connector road to the north of the project support the load of the development and 80,000 lbs. of emergency vehicles in all-weather types?

Connection in the 30'easement to Country Club is a must do to 59 lots and only one in and out of the development at the present time!

Dead Ends

Any dead ends 150 ft or more shall have an approved Fire Department turnaround

Road A and Road B not over 150' long and do not need fire department turnaround

Great development with no dead ends and no cul-de-sacs!!!!!!

Fire Hydrants

Fire Hydrants are required when a sub division or other development with four or more proposed lots/units derived from the same parent tract as of the date of his ordinance and when subject to the provisions of this ordinance or the County Zoning Ordinance is to be served by extension of extension of a public water system where the provider is capable of supplying sufficient water pressure to operate the hydrants. The following are the minimum standards for hydrant installation: 1. Fire Hydrants shall be located no more than 1,000 feet apart and at a maximum of 500 feet from any lot or unit: 2. Each fire hydrant shall have a minimum main supply line as required by the provider to adequately provide the appropriate amount of pressure to the hydrant; 3. Fire hydrants shall be maintained by the entity supplying water thereto; and 4. Standard hydrant design (Nation Standards Thread, 4 2 ½-inch steamer, (2) 2 ½ inch discharge connections, etc.) and proper maintenance shall be utilized.

Can these hydrants be placed on the street corners if at all possible???

Dry Hydrant

Can a dry Hydrant be added to the pond for fire suppression?

This does help in ISO rating for a community

Street signs

Shall be installed as soon as roadways are accessible by vehicle traffic to include during construction and meet the Pender County Street Sign Specifications

Turning radius at intersections need to be 28' not 25'

Pender County Flood Plain Management

The subject property is not located within a regulatory Special Flood Hazard Area according to the FIRM 3720420300J effective February 16, 2007. There are no flood development regulations with regard to this development.

Pender County Parks and Recreation

There is not a recommended park in either vicinity of either of these planned developments. However, Pender Land Greenway Park being adjacent to Hampstead Kiwanis Park and their planned donation could be included within the HKP section but would require some amendment to the Plan since acreage and facilities have changed.

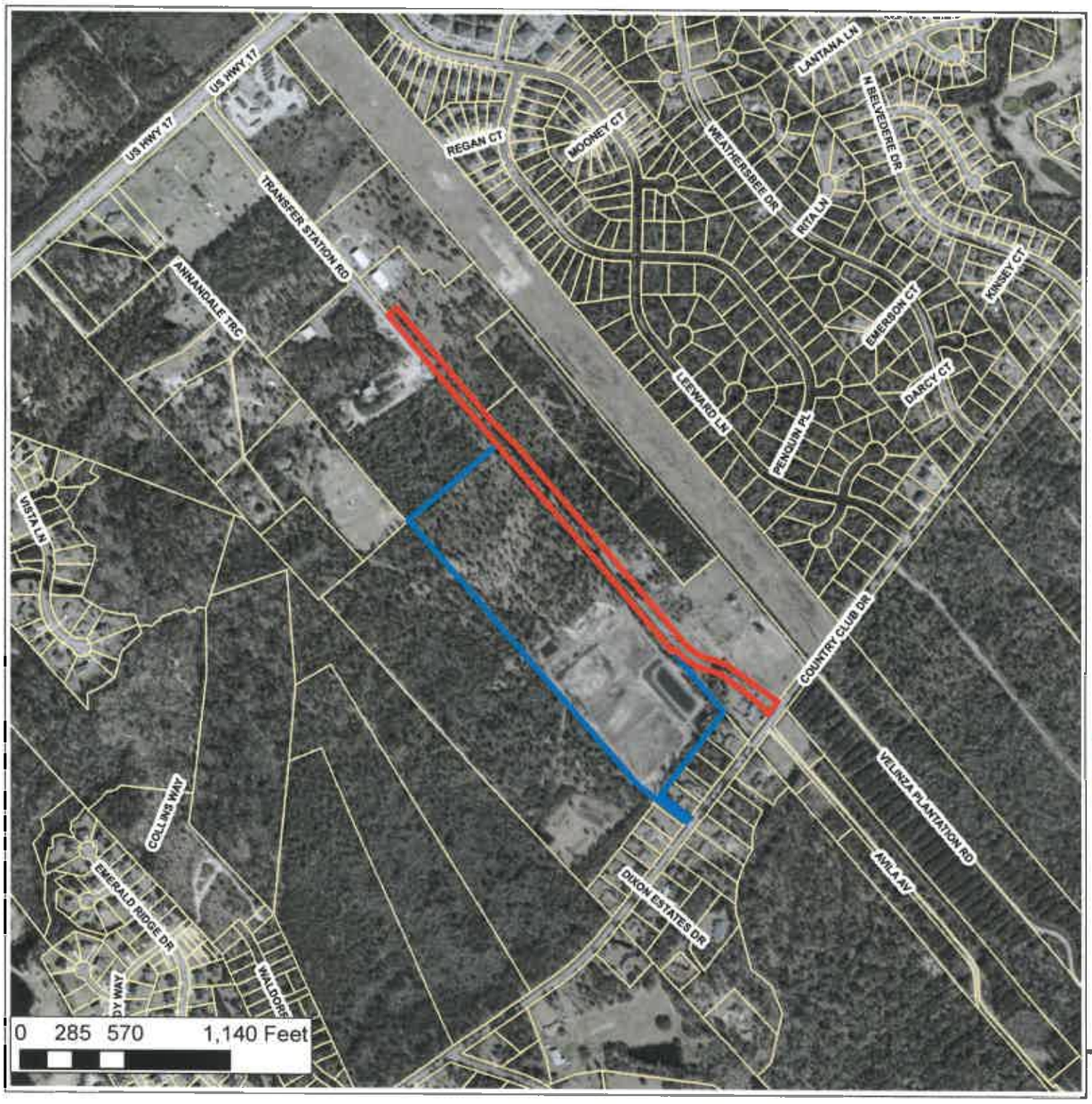
Pender County Public Library

No Attendance
Pender County Public Utilities
Pender County Schools
No Response.
Pender County Sheriff's Department
No Attendance.
Pender County Soil and Water Conservation District
No Attendance.
Progress Energy Corporation
No Attendance.
Pluris
No Comments
US Army Corps of Engineers
No Attendance.
Wilmington Metropolitan Planning Organization
1. The proposed Hampstead Commons subdivision does not have street names.
2. Coordinate with NCDOT to determine if a Driveway permit will be required for this site.
3. The site plans proposes private streets for this subdivision. Please ensure the streets are constructed to public streets standards.
4. The proposed private streets do not appear to be designed to meet minimum NCDOT Subdivision Roads Minimum Construction Standards.
5. The proposed 30' Access Easement from Country Club Rd directs traffic to a parking lot in Parcel A, then from the lot to another access easement to Street A. Please provide access to the subdivision from a public or private street.
6. The northern connection to the subdivision is from a proposed 60' Ingress/Egress Utility Easement from the Hawksbill Cove Connector to the Pump Station. Please provide a public or private street to the development from Hawksbill Cove.
7. The proposed Street A has Horizontal Centerline Curb radius below the R230' minimum radius required for a local residential street. R130' and R155' are shown. Please increase the Horizontal Centerline Radius for this street.
8. The proposed R24' street corner radius is less than the minimum R30' street corner radius to accommodate smooth access by Fire, Rescue and Trash Service vehicles. Increase the street corner curb radius to R30' at each intersection.
9. The proposed pavement type for the street cross section for asphalt and base materials may not meet the requirements for streets built on poor soils. Provide soils data on the streets and

Increase the pavement cross section of the proposed streets. Additional asphalt and base stone will be required if the soils data does not show excellent soils.

Recommendations:
1. Show proposed street lighting plans.
2. Show the location of proposed Wheel Chair Ramps on the site plan.
3. Please provide the proposed usage and trip generation numbers for the 4500 SF Building in Parcel A.

Comments:
Information Requested: No
Please Follow Up Prior to Meeting: Yes/ No



Attachment 6

Applicant:
Ksade Ventures LLC.

Owner:
Jeffery Beaudoin

Master Development Plan Revisio
Preliminary Plat

Case Number:
279-2016
282-2016

Hampstead Commons

Legend

- Transfer Station Road Extensior
- Subject Parcel

N

Transfer Station Road

Attachment 6

REQUEST FOR BOARD ACTION

ITEM NO. __

DATE OF MEETING: September 14, 2015

REQUESTED BY: Breuer/Thurman

SHORT TITLE: Resolution Approving Development Agreement for Hawksbill Cove Development

BACKGROUND: The Development now known as Hawksbill Cove contemplates the extension of Transfer Station Road. This Extension will require the relocation of the scales at the Transfer Station so that the road may be extended. In order to vest the development the Developer has agreed to bond the cost of extending the road and moving the scales. The attached agreements provide that the obligation to perform the work attaches to the land so that the larger project will not proceed until the road extension is complete.

SPECIFIC ACTION REQUESTED: Approve the Development Agreements and bonds for the extension of Transfer Station Road and the relocation of the scales at the transfer station.

STATE OF NORTH CAROLINA

COUNTY OF PENDER

DEVELOPMENT AGREEMENT FOR CONSTRUCTION OF TRANSFER STATION ROAD EXTENSION

THIS DEVELOPMENT AGREEMENT FOR CONSTRUCTION OF TRANSFER STATION ROAD EXTENSION ("Agreement") is made and entered into this the 14 day of September, 2015, by and between the COUNTY OF PENDER, North Carolina, hereinafter referred to as the **"County"**, party of the first party, and HAMPSTEAD PROPERTIES, LLC, a North Carolina limited liability company, hereinafter referred to as **"Developer"**, party of the second part.

WITNESSETH:

WHEREAS, Developer is a real estate development company and has acquired or assembled real property in Hampstead, Pender County, North Carolina, for a County-approved project known as "Hawksbill Cove Development;"

WHEREAS, in compliance with the approvals of Hawksbill Cove Development by the County, Developer is obligated to construct the planned extension of Transfer Station Road at its costs, which road is identified as "Tract Two" on that map recorded in Map Book 51 at Page 127 of the Pender County Registry and shall be dedicated to the Public to serve as a public connector road from Country Club Drive to U.S. Highway 17;

WHEREAS, construction of the Transfer Station Road extension is required by Developer under the Hawksbill Cove Development approvals and for purposes of vesting the development rights of Developer in the Hawksbill Cove Development; and,

WHEREAS, the extension of existing Transfer Station Road by the Developer will provide needed roadway improvements for the citizens of Pender County and the motoring public in general, and it is beneficial to both the County and the Developer to enter into this Agreement.

NOW THEREFORE, for and in consideration of the mutual covenants and undertakings contained herein and other good and valuable consideration in the amount of Ten Dollars ($10.00), the receipt and sufficiency of which is hereby acknowledged, the parties do hereby agree as follows:

AGREEMENTS

The parties hereby establish, covenant and agree that:

1. Subject to the terms and limitations of this Agreement, Developer shall be responsible for all actual construction costs associated with the Transfer Station Road extension as provided for in the Hawksbill Cove Development approvals excluding the Transfer Station Road Scales Relocation Project, which related project is addressed in a separate development agreement between the County and Developer entitled *"Development Agreement for Transfer Station Road Scales Relocation"* dated September 14, 2015. Developer shall post an appropriate bond for the performance of such improvements necessary for the Transfer Station Road extension.

2. Upon execution of this Agreement as well as execution of the "*Development Agreement for Transfer Station Road Scales Relocation*," and the Developer's posting of approved Performance Bonds associated with both agreements in favor of Pender County, the Hawksbill Cove Development and Developer's rights to develop the Hawksbill Cove Development shall be deemed fully vested under applicable State law and Pender County ordinances and regulations.

3. Developer shall complete the construction of Transfer Station Road extension in accordance with construction documents titled "Construction Plan and Profile, Transfer Station Road Extension", dated and sealed 06/06/14, prepared by Urban on or before September 14, 2017.

4. This Agreement shall run with the land and the Hawksbill Cove Development approvals and shall be transferable to any of Developer's successors in title and interest.

5. Nothing herein shall prevent Developer from seeking future zoning map or Ordinance amendments applicable to the Hawksbill Cove Development and property, or major and/or minor changes to the approved Planned Development Master Plan and Preliminary Plat pursuant to Pender County Zoning Ordinance effective as of July 5, 1988 through June 21, 2010 ("Zoning Ordinance").

6. This Agreement is solely for the benefit of the identified parties to the Agreement and is not intended to give any rights, claims, or benefits to third parties or to the public at large. This Agreement shall not be deemed a covenant, declaration of restrictions, negative easement, or any other restriction upon any property, and this Agreement shall not be recorded in the Pender County Registry.

This the 14 day of September, 2015.

[SIGNATURE PAGE(S) FOLLOWS]

[SIGNATURE PAGE TO DEVELOPMENT AGREEMENT FOR CONSTRUCTION OF TRANSFER STATION ROAD EXTENSION]

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of the Developer and the County by authority duly given.

HAMPSTEAD PROPERTIES, LLC

BY: _____

TITLE: Manager

DATE: 9/14/15

COUNTY OF PENDER, NORTH CAROLINA

BY: _____

TITLE: County Commissioner Chair

DATE: 9/14/15

Approved as to form:

_____

Carl "Trey" W. Thurman, III
County Attorney

STATE OF NORTH CAROLINA

COUNTY OF PENDER

DEVELOPMENT AGREEMENT FOR TRANSFER STATION ROAD SCALES RELOCATION

THIS DEVELOPMENT AGREEMENT FOR TRANSFER STATION ROAD SCALES RELOCATION ("Agreement") is made and entered into this the 14 day of September, 2015, by and between the COUNTY OF PENDER, North Carolina, hereinafter referred to as the **"County"**, party of the first party, and HAMPSTEAD PROPERTIES, LLC, a North Carolina limited liability company, hereinafter referred to as **"Developer"**, party of the second part.

WITNESSETH:

WHEREAS, Developer is a real estate development company and has acquired or assembled real property in Hampstead, Pender County, North Carolina, which property is identified and described as follows:

Current Pender County Tax Parcel Id Nos. and addresses are
(Country Club Drive).

Tax Parcel/PIN Nos:	Property Addresses:
4203-43-7857-0000	Off Sand Dollar Lane
4203-44-8578-0000	Avila Ave.
4203-45-1389-0000	Avila Ave.
4203-45-2563-0000	N/S Avila Ave.
4203-45-4049-0000	Avila Ave.
4203-53-8614-0000	Avila Ave.
4203-53-9319-0000	Avila Ave.
4203-53-9769-0000	996 Velinza Plantation Rd.
4203-54-1453-0000	N/S Avila Ave.
4204-30-4979-0000	N. Belvedere Dr.
4203-74-3682-0000	Country Club Dr.
4203-35-8794-0000	1617 Country Club Dr.
4203-36-0678-0000	Country Club Dr.

Collectively the above identified and described lands consist of approximately 376 acres located between Country Club Drive (SR # 1465) and the Atlantic Intracoastal Waterway and approximately 13 acres located between Country Club Drive and U.S. Highway 17 (hereinafter collectively referred to as the **"Development Property"**);

WHEREAS, for several years, Developer has been planning a mixed-use project on the Development Property pursuant to the Planned District (PD) provisions of the Pender County Zoning Ordinance effective as of July 5, 1988 through June 21, 2010 ("Zoning Ordinance"), which project is known as the "Hawksbill Cove" development and formerly known as the "St. George's Reach" project (hereinafter referred to as the **"Hawksbill Cove Development"**);

WHEREAS, following the Pender County Board of Commissioners' rezoning of the Development Property from R-20C District to PD District on October 1, 2007, a series of Public Hearings have been held before the Pender County Planning Board and the Pender County Board of Commissioners regarding the Planned Development Master Plan and Preliminary Plat approval for the Hawksbill Cove Development under the PD provisions of the Pender County ordinances (hereinafter referred to as the **"Master Development Plan and Preliminary Plat"**);

WHEREAS, among the various Public Hearings held, on November 15, 2010, the Pender County Board of Commissioners unanimously approved a motion consenting to the relocation of the Pender County Solid Waste Transfer Station facilities currently located on Transfer Station Road (60' Public Right-of-Way) to locations within the Transfer Station property, identified as 248 Transfer Station Road and Property Identification Number 4203-17-8616-0000, in order to accommodate an extension of existing Transfer Station Road from the existing terminus of that roadway to Country Club Drive, as more particularly shown on the approved Master Development Plan and Preliminary Plat;

WHEREAS, the planned extension of Transfer Station Road will be constructed on property currently owned by Developer and identified as "Tract Two" on that map recorded in Map Book 51 at Page 127 of the Pender County Registry, and said road when completed will be dedicated and serve as a public connector road from Country Club Drive to U.S. Highway 17;

WHEREAS, on December 7, 2010, the Pender County Planning Board unanimously approved revisions to the Master Development Plan and Preliminary Plat, which approval provides, *inter alia*, that Developer will incur all costs associated with the relocation of the Pender County Transfer Station facilities in accordance with the adopted resolution of the Pender County Board of Commissioners on November 15, 2010 (the **"Transfer Station Road Scales Relocation Project"**);

WHEREAS, on February 18, 2014, the Pender County Board of Commissioners approved a Resolution (the **"February 18, 2014 Resolution"**) authorizing acceptance of a professional engineering services agreement with W.K. Dickson & Co., Inc. (**"W.K. Dickson"**) for surveying, civil engineering and permitting of the relocation of the solid waste convenience site, truck scales and scale house from Transfer Station Road onto the adjacent County-owned property located adjacent to Transfer Station Road;

WHEREAS, construction of the Transfer Station Road extension is required by the Developer under the Hawksbill Cove Development approvals and it is necessary to relocate the existing scales from Transfer Station Road in order to extend that roadway;

WHEREAS, the County and Developer wish to further memorialize herein the parties' respective duties and responsibilities with regard to the Transfer Station Road Scales Relocation Project; and,

WHEREAS, the extension of existing Transfer Station Road by the Developer will provide needed roadway improvements for the citizens of Pender County and the motoring public in general, and it is beneficial to both the County and the Developer to enter into this Agreement.

NOW THEREFORE, for and in consideration of the mutual covenants and undertakings contained herein and other good and valuable consideration in the amount of Ten Dollars ($10.00), the receipt and sufficiency of which is hereby acknowledged, the parties do hereby agree as follows:

AGREEMENTS

The parties hereby establish, covenant and agree that:

1. Upon execution of this Agreement, Developer shall deposit with County a **Performance Bond for Transfer Station Road Scales Relocation** (the "Performance Bond") as approved by counsel for the County in the amount of Six Hundred Thousand and No/100 Dollars ($600,000.00) for satisfaction of Developer's obligations relative to the Transfer Station Road Scales Relocation Project.

2. The Developer's financial obligations or other liability for the Transfer Station Road Scales Relocation Project under this Agreement and the Hawksbill Cove Development approvals shall be limited to the actual costs and expenses incurred for the Transfer Station Road Scales Relocation Project, but under no circumstances shall Developer's financial obligations exceed the maximum total sum of Six Hundred Thousand and No/100 Dollars ($600,000.00).

3. Upon payment by the Developer to the County of the sum of Six Hundred Thousand and No/100 Dollars ($600,000.00), or any lesser amount determined to be the actual costs and expenses of the scales relocation project, in satisfaction of Developer's obligations relative to the Transfer Station Road Scales Relocation Project, the Performance Bond shall be released to the Developer.

4. The County shall promptly provide Developer with regular updates regarding the progress of work, including any expected scheduling delays or required additional construction or design services related to the Transfer Station Road Scales Relocation Project.

5. All requirements under the Hawksbill Cove Development approvals and this Agreement related to the Developer's obligations with regard to the Transfer Station Road Scales Relocation Project shall be deemed fully satisfied when the Developer pays the County the sum of Six Hundred Thousand and No/100 Dollars ($600,000.00) or any lesser amount determined to be the actual costs and expenses of the scales relocation project, in satisfaction of the Developer's obligations under this Agreement.

6. The County shall commence and prosecute the Transfer Station Road Scales Relocation Project in a timely manner, and work shall progress in a satisfactory and timely manner. If the County terminates or abandons the Transfer Station Road Scales Relocation Project without the concurrence of the Developer, the County shall reimburse the Developer one hundred percent (100%) of all payments made by Developer, or paid on Developer's behalf, and associated with the Transfer Station Road Scales Relocation Project, and the County shall promptly release Developer from the Performance Bond and any surety bond(s) as may be applicable. The County shall promptly notify Developer in writing of any such termination. Reimbursement by the County to the Developer pursuant to this Section shall be made in one lump sum payment within sixty (60) days of such written notification or abandonment.

7. If the County terminates or abandons the Transfer Station Road Scales Relocation Project without the concurrence of the Developer, the Developer shall have the right to complete, but shall have no obligation whatsoever to complete, the Transfer Station Road Scales Relocation Project at its sole cost and expense. Within sixty (60) days of any such termination or abandonment of the Transfer Station Road Scales Relocation Project by the County, the County shall provide Developer with an approved scale location to allow Developer to complete the Transfer Station Road extension and relocation of the existing scales.

8. Upon the County's approval of the Development Agreement for Construction of Transfer Station Road Extension and the Developer's deposit of the performance bond pursuant to that agreement, Developer's development rights under the Master Development Plan and Preliminary Plat, the Hawksbill Cove Development approvals and the Pender County Ordinances shall be deemed fully vested.

9. This Agreement is solely for the benefit of the identified parties to the Agreement and is not intended to give any rights, claims, or benefits to third parties or to the public at large. This Agreement shall not be deemed a covenant, declaration of restrictions, negative easement, or any other restriction upon any property, and this Agreement shall not be recorded in the Pender County Registry.

10. This Agreement contains the entire agreement between the parties and there are no understandings or agreements, verbal or otherwise, regarding this Agreement except as expressly set forth herein or in that separate agreement between the County and Developer entitled *"Development Agreement for Construction of Transfer Station Road Extension"* dated September 14, 2015.

11. The parties hereby acknowledge that the individual executing the Agreement on its behalf is authorized to execute this Agreement on its behalf and to bind the respective entities to the terms contained herein and that he or she has read this Agreement, conferred with counsel, and fully understands its contents.

12. A copy or facsimile copy of the signature of any party shall be deemed an original with each fully executed copy of the Agreement as binding as an original, and the parties agree that this Agreement can be executed in counterparts, as duplicate originals, with facsimile signatures sufficient to evidence an agreement to be bound by the terms of the Agreement.

13. This Agreement shall run with the land and the Hawksbill Cove Development approvals and shall be transferable to any of Developer's successors in title and interest.

14. Nothing herein shall prevent Developer from seeking future zoning map or Ordinance amendments applicable to the Hawksbill Cove Development and property, or major and/or minor changes to the approved Planned Development Master Plan and Preliminary Plat.

[SIGNATURE PAGE(S) FOLLOWS]

[SIGNATURE PAGE TO DEVELOPMENT AGREEMENT FOR
TRANSFER STATION ROAD SCALES RELOCATION]

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of the Developer and the County by authority duly given.

HAMPSTEAD PROPERTIES, LLC

BY: _____

TITLE: Manager

DATE: 9/14/15

COUNTY OF PENDER, NORTH CAROLINA

BY: _____

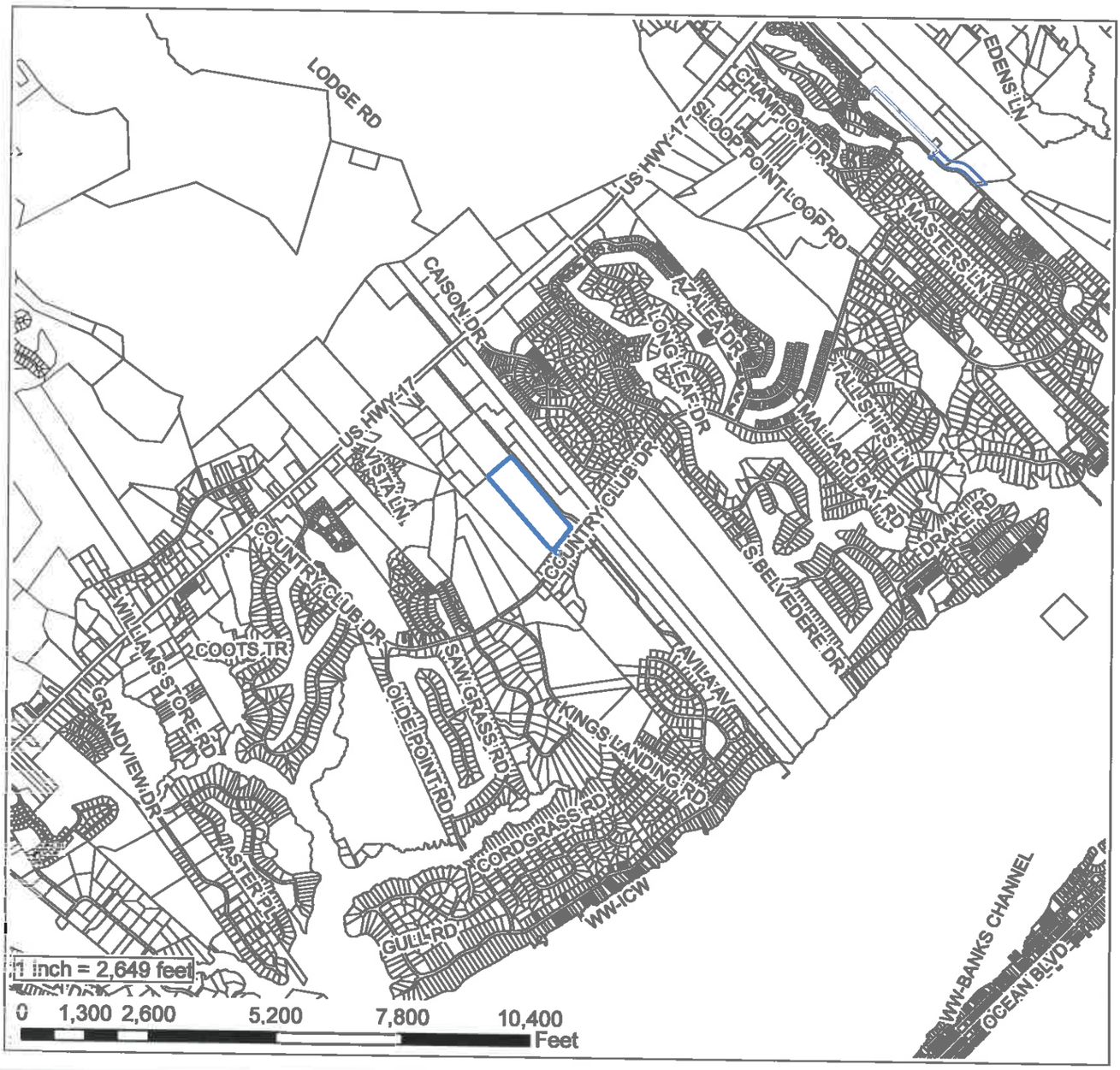
TITLE: County Commissioner Chair

DATE: 9/14/15

Approved as to form:

_____

Carl "Trey" W. Thurman, III
County Attorney



Applicant:
Ksade Ventures LLC.

Owner:
Jeffery Beaudoin

Master
Development Plan Revision
Preliminary Plat

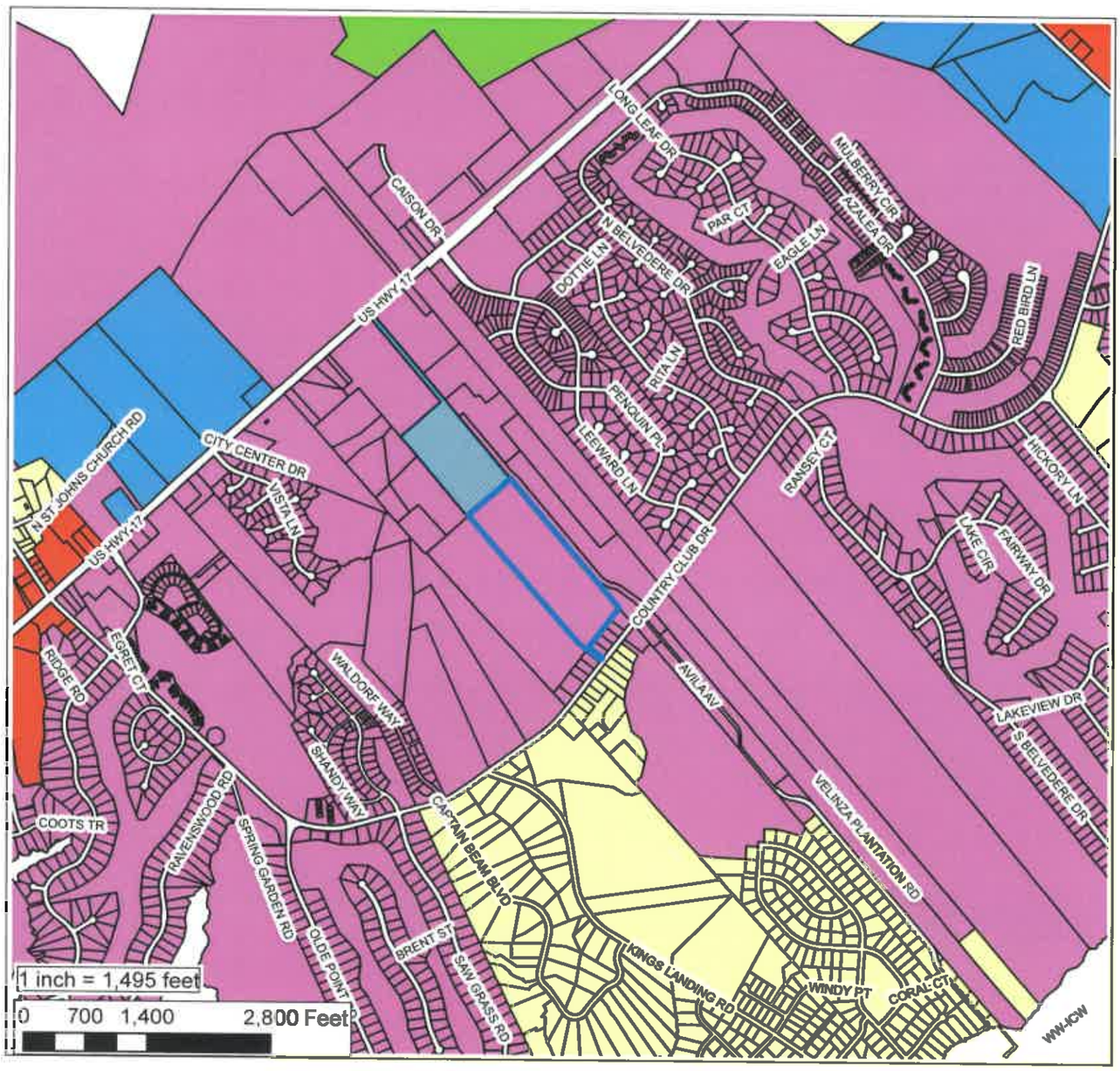
Case Number:
279-2016
282-2016

Hampstead Commons

Subject Property

N

Vicinity



Applicant:
Ksade Ventures LLC.

Owner:
Jeffery Beaudoin

Master
Development Plan Revision
Preliminary Plat

Case Number:
279-2016
282-2016

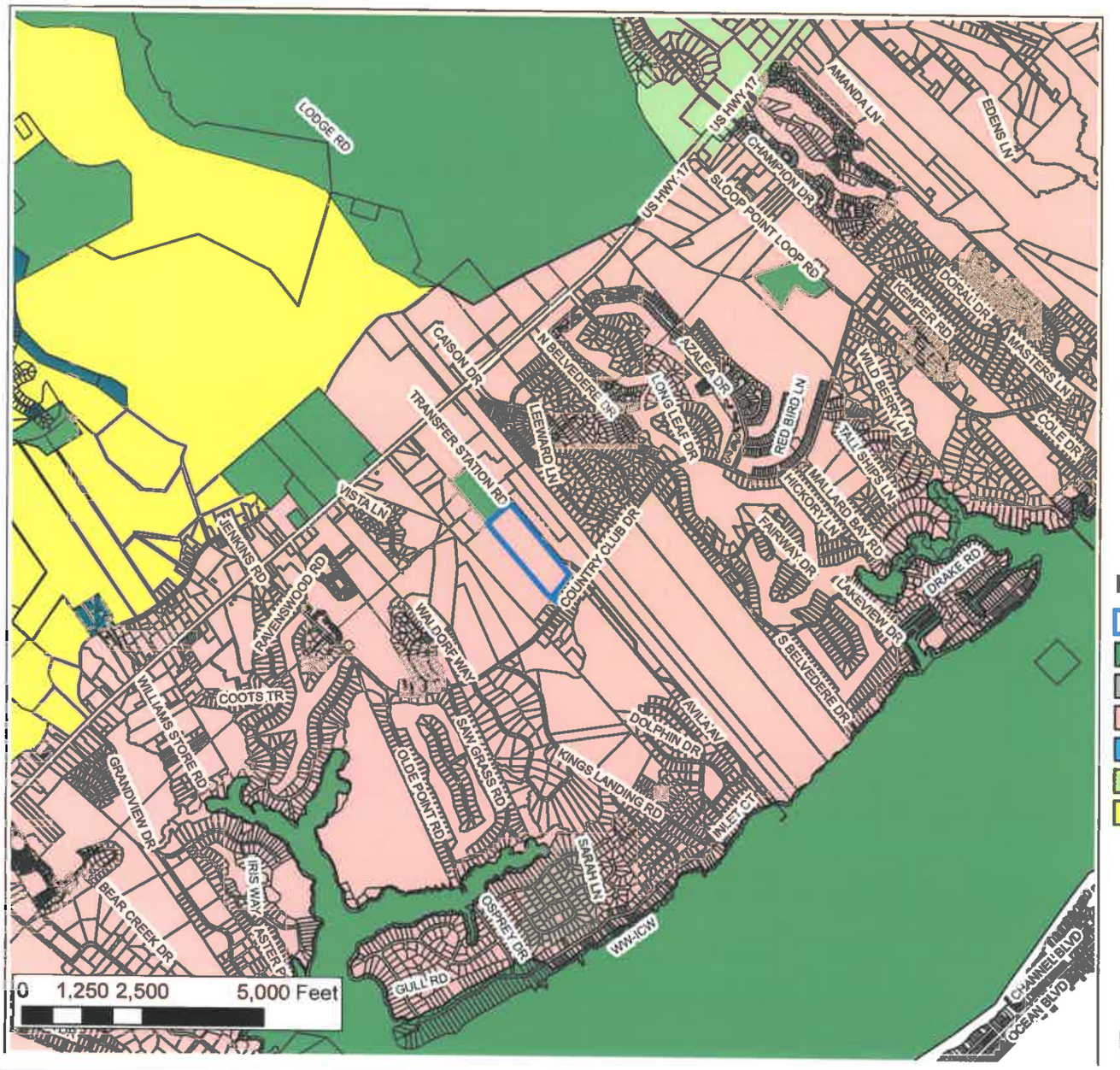
Hampstead Commons

Legend

Subject Parcel

N

Current Zoning



Applicant:
Ksade Ventures LLC.

Owner:
Jeffery Beaudoin

Master
Development Plan Revision
Preliminary Plat

Case Number:
279-2016
282-2016

Hampstead Commons

Legend

- Subject Property
- Conservation
- Industrial
- Mixed Use
- Office, Institutional, Busines
- Rural Growth
- Suburban Growth

N

Future Land Use

Applicant:
Ksade Ventures LLC.

Owner:
Jeffery Beaudoin

Master
Development Plan Revisio
Preliminary Plat

Case Number:
279-2016
282-2016

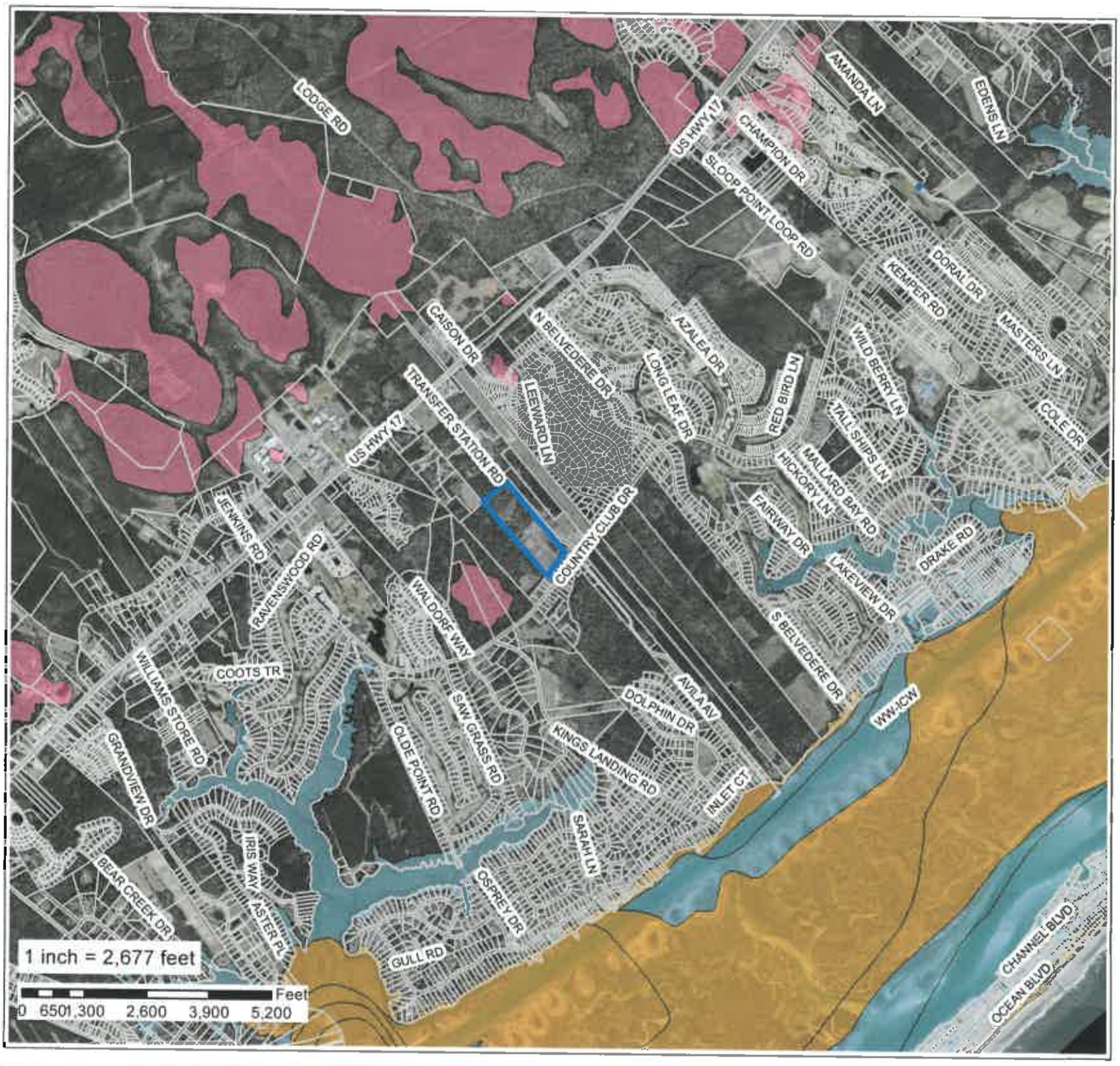
Hampstead Commons

Legend

Subject Parcel

N

2012 AERIAL



Applicant:
Ksade Ventures LLC.

Owner:
Jeffery Beaudoin

Master
Development Plan Revision
Preliminary Plat

Case Number:
279-2016
282-2016

Hampstead Commons

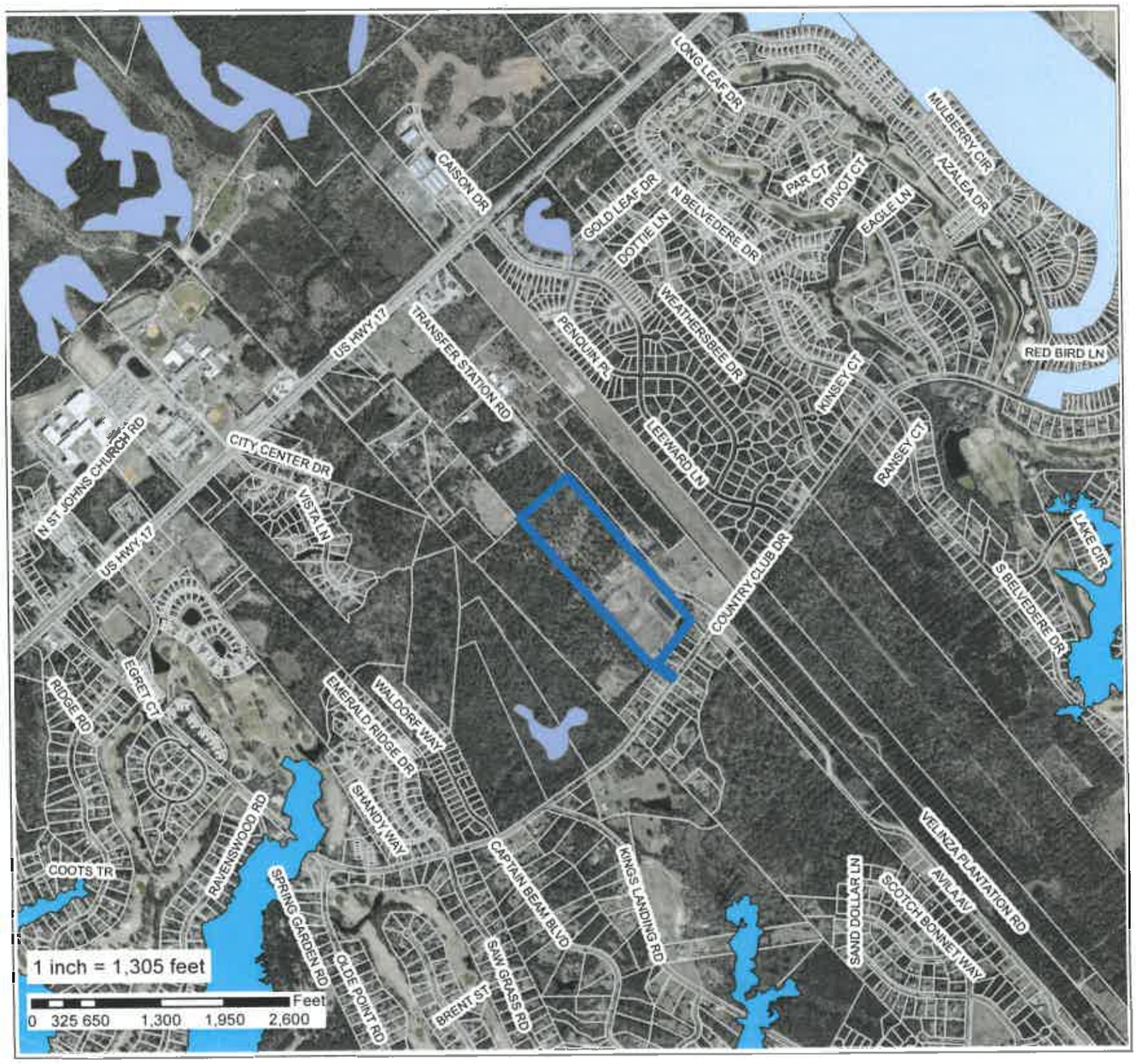
Subject Property

Flood Hazard Areas

- A
- AE
- AEFW
- SHADED X
- VE

N

Flood Zones



Applicant:
Ksade Ventures LLC.

Owner:
Jeffery Beaudoin

Master
Development Plan Revisio
Preliminary Plat

Case Number:
279-2016
282-2016

Hampstead Commons

Legend

Subject Property

Preliminary Flood Zone

- A
- AE
- AO
- VE

N

Preliminary Flood Zones

PLANNING STAFF REPORT
ZONING MAP AMENDMENT

SUMMARY:

Hearing Date:	July 6, 2016 Planning Board August 15, 2016 Board of Commissioners
Applicant:	Stroud Engineering
Property Owner:	Jack Stocks
Case Number:	ZMA 274-2016

Rezoning Proposal: Stroud Engineering, applicant, on behalf of Jack Stocks, owner, is requesting the approval of a Zoning Map Amendment for approximately 11.18 acres of one (1) tract totaling approximately 162.72 acres from the PD, Planned Development zoning district to the RP, Residential Performance zoning district.

Property Record Number, Acreage, and Location: The portion of the subject property is located on the south and east of Carver Road (SR 1437) approximately 2,880 feet west of the intersection with NC 133 and Carver Road (SR 1437) in the Rocky Point Township and may be further identified by Pender County PIN: 3223-53-8360-0000.

RECOMMENDATION

The application is for a zoning map amendment of one (1) tract totaling approximately 11.18 acres from PD, Planned Development zoning district to RP, Residential Performance zoning district. As submitted, the request complies with all criteria set forth in Section 3.3 Review Criteria for Rezoning of the Pender County Unified Development Ordinance and is consistent with two (2) goals and four (4) policies of the 2010 Comprehensive Land Use Plan and conflicts with none. There are no known conflicts with any adopted plans. The Administrator is recommending approval of this zoning map amendment request.

HISTORY

The property is currently vacant and undeveloped.

DESCRIPTION

Stroud Engineering, applicant, on behalf of Jack Stocks, owner, is requesting approval of a Zoning Map Amendment of the portion of one (1) tract totaling approximately 11.18 acres from the PD, Planned Development zoning district to the RP, Residential Performance zoning district. The portion of the subject property is located on the south and east of Carver Road (SR 1437) approximately 2,880 feet west of the intersection with NC 133 and Carver Road (SR 1437) in the Rocky Point Township

The portion of the property for rezoning composes 11.18 acres to the southwest of the parent parcel of 162.72 acres. A metes and bounds survey has been included. The parcel is currently zoned PD, Planned Development zoning district.

The minimum acreage to rezone to RP, Residential Performance zoning district is five (5) acres according to Section 4.14 of the Pender County Unified Development Ordinance. This request exceeds the minimum requirement.

Access
The property has direct access to Carver Road (SR 1437), however there is no improved method of ingress and egress at this point in time. Any improvements are subject to review and approval by NCDOT at the time of a development application.

Utilities
Public water is available at the subject property through Pender County Utilities. Public sewer is available according to the applicant. It is the policy of Pender County Utilities, however, to utilize sewer for commercial development only. Any final zoning approvals are contingent upon review and approval by Pender County Utilities.

Environmental Concerns
There are no Areas of Environmental Concern (AEC) located on the subject property, nor any regulated Special Flood Hazard Area (SFHA) according to FEMA Flood Insurance Rate Map Number 3720321400J, adopted February 16, 2007. There does not appear be wetlands located on the property.

All applicable state, federal and local agency permits are required prior to the issuance of final zoning.

EVALUATION
A) Public Notifications: Public Notice of the proposal for a map change has been advertised in the Pender-Topsail Post and Voice. Adjacent property owners have been given written notice of the request, and a public notification sign has been placed on the property.
B) Existing Zoning in Area: The existing zoning on the subject parcel is PD, Planned Development zoning district. The property to the north, east and west is zoned PD, Planned Development District. The balance of the parent parcel will remain PD, Planned Development zoning district. The property to the south is zoned RP, Residential Performance zoning district. The property to the east of the parent parcel is zoned OI, Office and Industrial zoning district.
C) Existing Land Use in Area: The parcel is currently wooded and undeveloped. The land to the north is the undeveloped parent parcel. The property to the west is the Summit Ridge residential subdivision. The property to the east is undeveloped. The property to the south is undeveloped. The property to the southeast is the River Landing residential subdivision.
D) 2010 Comprehensive Land Use Plan: The 2010 Comprehensive Land Use Plan designates the subject parcel as Office/Institutional/Commercial. The Office/Institutional/Commercial land use classification identifies those areas of Pender County at key locations, typically along major highways and at major intersections. The purpose of the OIC land use classification is to encourage more efficient and attractive development, integration of commercial uses with other land uses, and to discourage unsightly and inefficient strip commercial development. OIC areas should be planned to accommodate a range of land uses including small and large scale commercial uses possibly transitioning to office/institutional uses or higher density residential uses that would buffer and transition to surrounding lower density residential areas. These areas should be served by both public water and sewer.

There are no identified inconsistencies with the RP, Residential Performance zoning district and the Office/Industrial/Commercial Future Land Use designation regarding the subject parcel. The rezoning is consistent with the current zoning and land use of the properties to the south and south east of the subject parcel. The rezoning is consistent with the current land use to the west of the subject parcel.

This General Use Rezoning is consistent with four (4) goals and two (2) policies of the 2010 Comprehensive Land Use Plan and conflicts with none. The following goals and policies within this plan may be relevant to support the proposed General Use Zoning map amendment;

Goal 1A.1: Manage the physical growth and development of Pender County by promoting more intensive land uses in key locations identified for such growth while preserving and protecting the unique physical character and social assets of the predominant rural lifestyle and coastal environment that makes the County a unique place to live.

Policy 1A.1.1 Encourage development in and around municipal corporate limits and other developed areas within the County to yield a more compact pattern of development that will reduce suburban/rural; sprawl.

Policy 1A.1.2 Encourage development in areas where the necessary infrastructure – roads, water, sewer and schools – are available, planned or can be most cost effectively provided and extended to serve existing and future development.

Policy 1A.1.4 The County shall actively direct growth towards suitable land areas and away from fragile natural resource areas, conservation areas and hazardous areas.

Rocky Point Goal 4B.1

The primary goal of the Rocky Point Small Area Plan is to accommodate higher density mixed use growth in and around the I-40 / US 117 and NC 210 intersections. Coordinating future growth with already planned projects within the area will be of prime importance. Large scale developments should expect to be supported by public utilities and closely evaluated through coordinated development plan review. Commercial, office and mixed used infill is expected to occur along the major highway corridors, particularly close to major intersections

Policy 4B.1.4 New development within the small area should be compatible with existing residential uses

E) Unified Development Ordinance Compliance: Article 3.3 of the Unified Development Ordinance provides for standards that shall be followed by the Planning Board before a favorable recommendation of approval for a rezoning can be made.

3.3.8 Review Criteria for Rezoning

The Planning Board and Board of Commissioners shall consider the following matters in considering a rezoning request:

A. Whether the range of uses permitted by the proposed change would be appropriate to the area concerned (including not being detrimental to the natural environment, not adversely affecting the health or safety of residents or workers in the area, not being detrimental to the use or development of adjacent property, and not materially or adversely affecting the character of the general neighborhood);

B. Whether adequate public facilities/services (i.e., water, wastewater, roads) exist, are planned, or can be reasonably provided to serve the needs of any permitted uses likely to be constructed as a result of such change;

C. Whether the proposed change is consistent with the County's Comprehensive Land Use Plan and CAMA Land Use Plan or any other adopted land use document.

D. Whether the proposed amendment is reasonable as it relates to the public interest.

RECOMMENDATION

The application is for a zoning map amendment of one (1) tract totaling approximately 11.18 acres from PD, Planned Development zoning district to RP, Residential Performance zoning district. As submitted, the request complies with all criteria set forth in Section 3.3.8 of the Pender County Unified Development Ordinance and is consistent with four (4) goals and two (2) policies in the 2010 Comprehensive Land Use Plan. The request does not conflict with any existing policies, land uses, or zoning classifications. Therefore, the Administrator respectfully recommends the approval of the general use rezoning request.

BOARD ACTION FOR CONTIDTIONAL REZONING REQUEST

Motion: _____Seconded: _____

Approved: _____Denied: _____Unanimous: _____

Williams: ___ Fullerton: _____ Baker: _____ Carter:_____Edens: _____ McClammy: _____ Nalee: _____

APPLICATION FOR REZONING (Zoning Map Amendment)

THIS SECTION FOR OFFICE USE			
Application No.	ZMA 354	Date	5/24/16
Application Fee	$ 550	Receipt No.	166
Pre-Application Conference	5/13/16	Hearing Date	July 6, 2016

SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Stroud Engineering, P.A.	Owner's Name:	Jack G. Stocks
Applicant's Address:	102-D Cinema Dr.	Owner's Address:	2245 Page Road
City, State, & Zip	Wilmington, NC 28403	City, State, & Zip	Burgaw, NC 28425
Phone Number:	910-815-0775	Phone Number:	910-520-3083
Legal relationship of applicant to land owner:	Engineer		

SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	3223-53-8360-0000	Total property acreage:	10 AC
Current Zoning District:	PD	Proposed Zoning District:	RP
Project Address :	Carver Road		
Description of Project Location:	Off Hwy 133/Off Bell Hammond Rd. SR 1437 Along Turkey Creek		

SECTION 3: SIGNATURES			
Applicant's Signature		Date:	5/20/16
Owner's Signature		Date:	5-20-16

NOTICE TO APPLICANT

1. Applicant must also submit the information described on the Rezoning Checklist.
2. Applicant or agent authorized in writing must attend the public hearing.
3. Once the public hearing has been advertised, the case will be heard unless the applicant withdraws the application or unless the Planning Board or other authorized person agrees to table or delay the hearing.
4. All fees are non-refundable
5. A complete application packet must be submitted prior to the deadline in order to be placed on the next Planning Board Agenda

RECEIVED

MAY 23 2016

COUNTY PLANNING DEPT.

Rezoning/Zoning Map Amendment Checklist

☑	Signed application form
☑	Application fee
☑	A list of names and addresses, as obtained from the county tax listings and tax abstract, all adjacent property owners, including property owners directly across any road or road easement, and owners of the property under consideration for rezoning.
☑	Two (2) business size envelopes legibly addressed with **first class** postage for each of the adjacent and abutting property owners on the above list.
☑	Accurate legal description or a map drawn to scale showing the property boundaries to be rezoned, in sufficient detail to for the rezoning to be located on the Official Zoning Map.
☑	18 (11"x17") map copies to be distributed to the Planning Board
☑	20 (11"x17") map copies to be distributed to the Board of Commissioners
☑	Digital (.pdf) submission of all application materials
☑	A description and/or statement of the present and proposed zoning regulation or district boundary and stating why the request is being made and any information that is pertinent to the case. If the owner and applicant are different, the letter must be signed by both parties.

Office Use Only

☒	**ZMA Fees:** *($500.00 for first 5 acres; $10/acre thereafter up to 1,000 acres; $5/acre thereafter)*	**Total Fee Calculation: $** 550.00

Attachments Included with Application: (Please include # of copies)

CD /other digital version	☐ Y ☐ N	Plan Sets	# of large	# of 11X17	Other documents/Reports	☐ Y ☐ N

Payment Method:	**Cash :** ☐ $_____	**Credit Card:** ☐ Master Card ☐ Visa	**Check:** ☒ Check # _____

Application received by:	Jessica Lynster	**Date:** 5/24/16
Application completeness approved by:	Jessica Lynster	**Date:** 5/24/16

Dates scheduled for public hearing:
- ☐ **Planning Board:** 7/6/16
- ☐ **Board of Commissioners:** 8/15/16

RETURN COMPLETED APPLICATION TO:
Pender County Planning & Community Development
805 South Walker Street
P.O. Box 1519
Burgaw, NC 28425

RECEIVED
MAY 23 2016
PENDER PLANNING DEPT.

Print Form

STROUD ENGINEERING, P.A.
CONSULTING ENGINEERS
102-D CINEMA DRIVE
WILMINGTON, NORTH CAROLINA 28403
(910) 815-0775

May 23, 2016

Pender County Planning Department
Attn: Kyle Breuer
P.O. Box 1519
Burgaw, NC 28425

Re: Request to Rezone Portion of Jack G. Stocks Property on Carver Road
11.38 Acres as recorded at Map Book 34, Page 68
PIN 3223-53-8360-0000

Mr. Breuer:

On behalf of Pender County resident Jack G. Stocks, I respectfully request consideration to rezone the subject portion of this property from its present PD zoning to RP. The intent of this proposed rezoning is to enable a small residential subdivision. Mixed use development per the Unified Development Ordinance PD requirements is considered challenged given the property's location and natural boundaries. The property is adjacent a creek and a powerline right of way. Property across Carver Road is residential. The rezoning will enable single family uses consistent with the neighborhood. Public water and sewer service exists along Carver Road. The proposed rezoning falls within a small future land use region shown as office, institutional, commercial by the Rocky Point Small Area Plan. The portion of the property proposed for rezoning accounts for a small percentage of this region and the parent tract will retain a significant balance for the planned future land use.. The residential use is consistent with adjacent property. The proposed residential zoning is reasonable to the public interest in as much as proposed the daily traffic counts and impervious cover are likely minimized residential use.

The requested RP rezoning is proposed on these merits. Please accept this application and its pertinent submittals as satisfying the ordinance requirements. We are eager to provide any additional information that may be necessary.

Sincerely,

James H. Fentress Jr. PE, PLS
Stroud Engineering, PA

RECEIVED
MAY 23 2016
PENDER PLANNING DEPT.

Attachments

JHF/jf
W:\Master\PW-1241\Wpd\Rezone Cover Stocks Mine.doc

STROUD ENGINEERING, P.A.
CONSULTING ENGINEERS
102-D CINEMA DRIVE
WILMINGTON, NORTH CAROLINA 28403
(910) 815-0775

RECEIVED
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DESCRIPTION FOR
JACK G. STOCKS
PORTION OF MAP BOOK 34, PAGE 68
PENDER COUNTY REGISTRY
11.18 ACRES

Commencing at the intersection of N.C.S.R. 1437 with NC Highway 133; thence in a westerly direction along N.C.S.R. 1437 0.55 miles to a subsurface iron pipe at the point of intersection of the centerline of N.C.S.R. 1437 with the centerline of a 15 inch concrete drainage culvert; thence along the centerline of N.C.S.R. 1437, North 88 degrees 47 minutes 21 seconds East 181.95 feet to a p.k. nail; thence leaving said centerline, South 20 degrees 32 minutes 54 seconds West 32.87 feet to an iron stake on the southern right of way line of N.C.S.R. 1437; thence with said right of way South 86 degrees 25 minutes 22 seconds West 474.05 feet to an iron stake, thence leaving said right of way line; South 19 degrees 43 minutes 04 seconds West 184.45 feet to an iron stake; thence South 19 degrees 30 minutes 59 seconds West 351.51 feet to a point; thence South 19 degrees 30 minutes 57 seconds West 44.81 feet to a control corner as shown on Map Book 50 page 115 of the Pender County Registry; thence South 86 degrees 15 minutes 20 seconds West 166.93 feet to a point; thence South 86 degrees 12 minutes 15 seconds West 165.26 feet to a point; thence South 86 degrees 12 minutes 26 seconds West 144.37 feet to a point; thence South 86 degrees 11 minutes 09 seconds West 225.64 feet to a point on the western right of way line of N.C.S.R. 1437; thence South 86 degrees 13 minutes 05 seconds West 30.69 feet to a point on the centerline of N.C.S.R. 1437; thence along and with said centerline South 05 degrees 52 minutes 37 seconds East 273.32 feet to the point; thence South 05 degrees 36 minutes 35 seconds East 120.81 feet to the point; thence South 05 degrees 39 minutes 16 seconds East 225.91 feet to the point; thence South 05 degrees 41 minutes 23 seconds East 697.40 feet to the point; thence South 05 degrees 36 minutes 02 seconds East 381.66 feet to a pk nail in the centerline of the road over a culvert; thence South 05 degrees 42 minutes 59 seconds East 616.59 feet to the point; thence South 05 degrees 38 minutes 14 seconds East 434.97 feet to a pk nail in the centerline of the road over a culvert; said pk nail being the TRUE POINT OF BEGINNING; thence leaving said centerline South 63 degrees 52 minutes 33 seconds East 35.31 to a point on the western right of way line of N.C.S.R. 1437; thence leaving said right of way line South 83 degrees 58 minutes 14 seconds East 81.73 feet to a point; thence South 38 degrees 19 minutes 07 seconds East 159.37 feet to a point; thence South 78 degrees 48 minutes 01 seconds East 176.14 feet to the point; thence South 54 degrees 19 minutes 27 seconds East 132.06 feet to a point; thence South 49 degrees 09 minutes 32 seconds East 142.51 feet to a point; thence North 84 degrees 46 minutes 20 seconds East 171.79 feet

to a point; thence North 76 degrees 10 minutes 46 seconds East 224.92 feet to a point; thence South 41 degrees 14 minutes 26 seconds East 423.89 feet to a point; thence South 83 degrees 03 minutes 19 seconds West 1161.66 feet to a point on the western right of way line of N.C.S.R. 1437; thence leaving said right of way line South 83 degrees 03 minutes 19 seconds West 30.57 feet to a pk nail in the centerline of the road; thence along and with said centerline North 11 degrees 45 minutes 52 seconds West 90.43 feet to a point; thence North 06 degrees 30 minutes 27 seconds West 99.35 feet to a point; thence North 05 degrees 37 minutes 46 seconds West 259.78 feet to a point; thence North 05 degrees 40 minutes 14 seconds West 302.83 feet to a point and place of beginning. Containing 11.18 Acres more or less.

RECEIVED
MAY 23 2016
PERSON PLANNING DEPT.

CARVER ADJOINER MAP 10AC.

May 18, 2016

REZONING

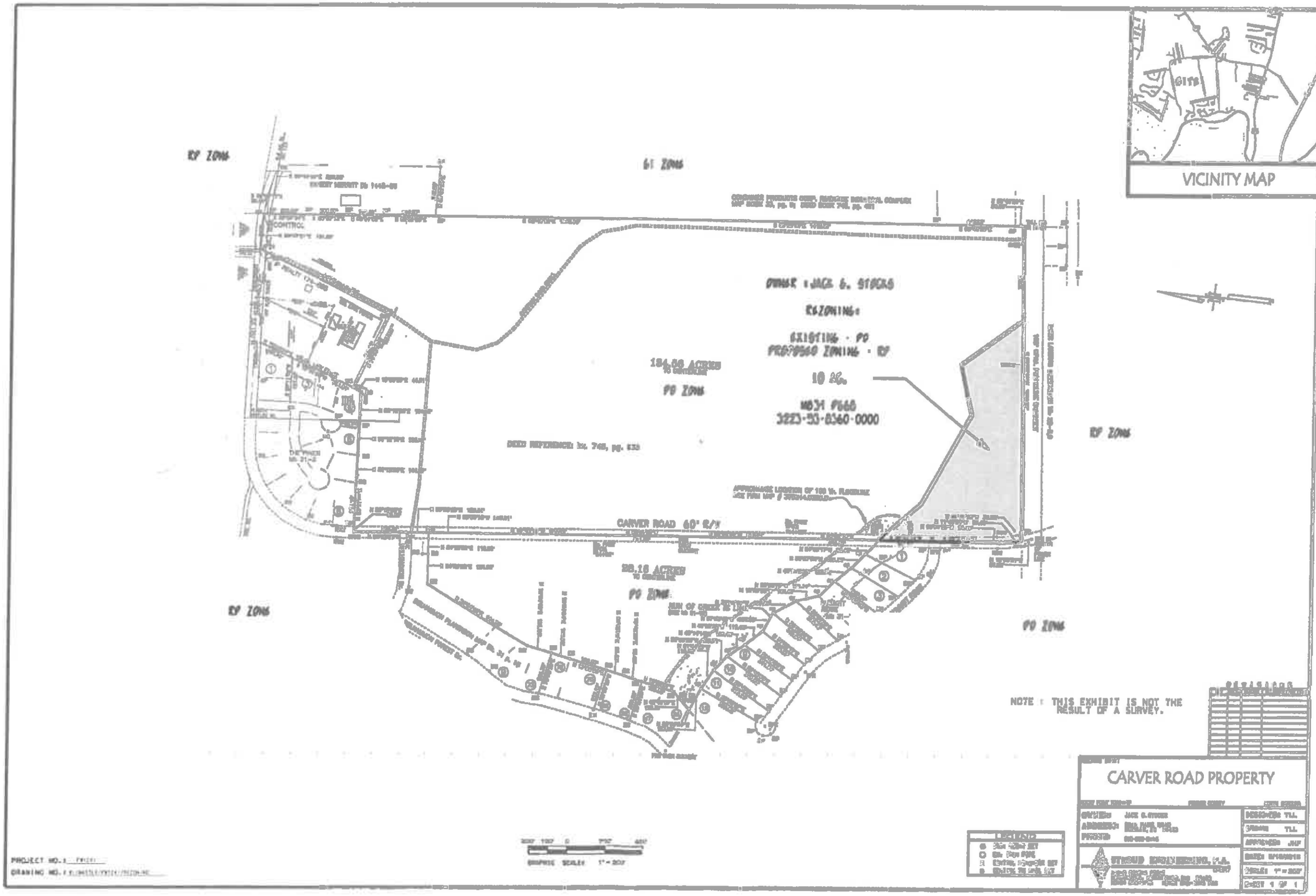
1:5,383

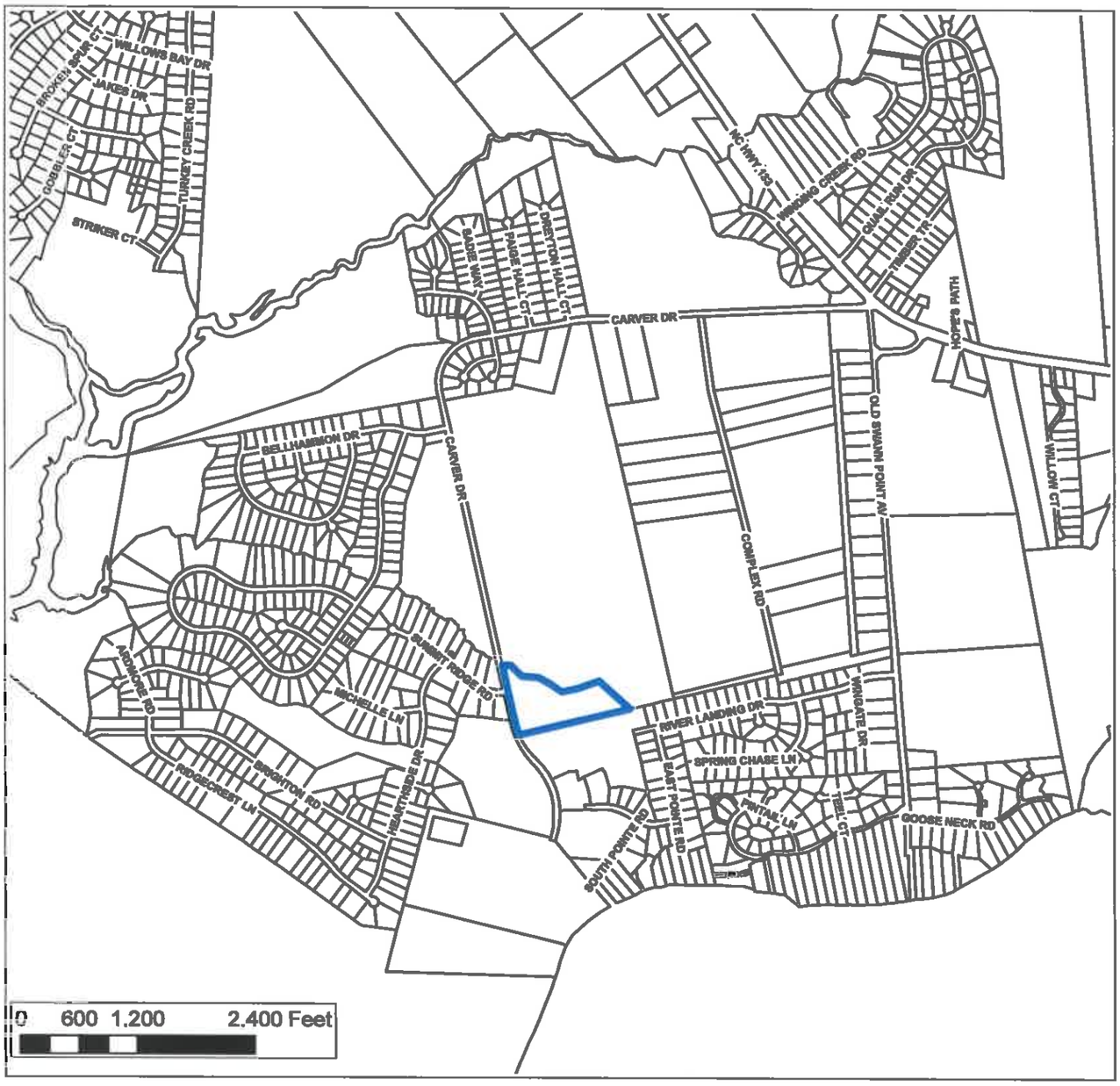
0 0.045 0.09 0.18 mi

0 0.05 0.1 0.2 km

CARVER ADJOINER LIST FOR REZONING 10 AC TRACT

	NAME	ADDR	CITY	STATE	ZIP	PROPERTY ADDRESS
1	JACK G. STOCKS	2245 PAGE RD	BURGAW	NC	28425	
2	CHRIS BAYNES	3013 LAGER LN	WILMINGTON	NC	28405	
3	JAN T. LUQUIRE	PO BOX 1444	BURGAW	NC	28425	
4	ROCKY POINT HOLDINGS LLC	PO BOX 12348	WILMINGTON	NC	28405	
5	LINDA A. DITTRICH	101 SUMMIT RIDGE RD	ROCKY POINT	NC	28457	
6	ALEJANDRO RICO	102 SUMMIT RIDGE RD	ROCKY POINT	NC	28457	
7	JACK G. STOCKS	2245 PAGE RD	BURGAW	NC	28425	No Envelope Needed (Owner / Applicant)


VICINITY MAP
SITE
RF ZONE
GI ZONE
OWNER : JACK G. STOCKS
REZONING:
EXISTING - PD
PROPOSED ZONING - RF
10 AC.
MESA PARK
3223-33-0360-0000
184.88 ACRES
PD ZONE
DEED REFERENCE In. 748, pg. 533
CARVER ROAD 60' R/W
28.18 ACRES
PD ZONE
RF ZONE
RF ZONE
PD ZONE
NOTE : THIS EXHIBIT IS NOT THE RESULT OF A SURVEY.
REVISIONS
CARVER ROAD PROPERTY
OWNER: JACK G. STOCKS
ADDRESS:
PHONE:
DESIGNED: T.L.
DRAWN: T.L.
APPROVED: JKF
DATE REVISED:
SCALE: 1" = 200'
SHEET 1 OF 1
STROUD ENGINEERING, P.A.
GRAPHIC SCALE: 1" = 200'
PROJECT NO.:
DRAWING NO.:



Applicant:
Stroud Engineering

Owner:
Jack Stocks

General Use
Rezoning

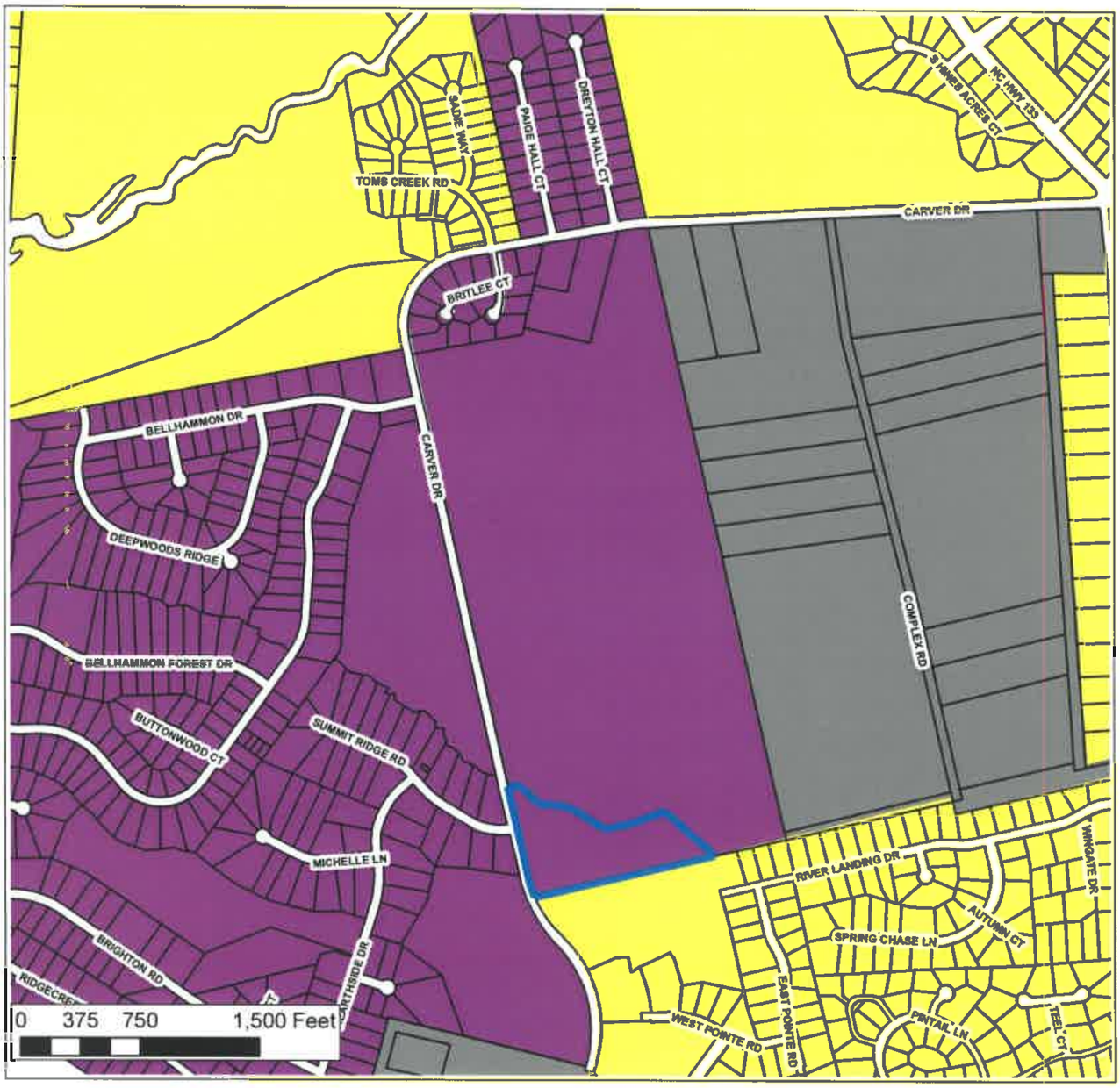
Case Number:
274-2016

Legend

Subject Parcel

N

VICINITY



Applicant:
Stroud Engineering

Owner:
Jack Stocks

General Use
Rezoning

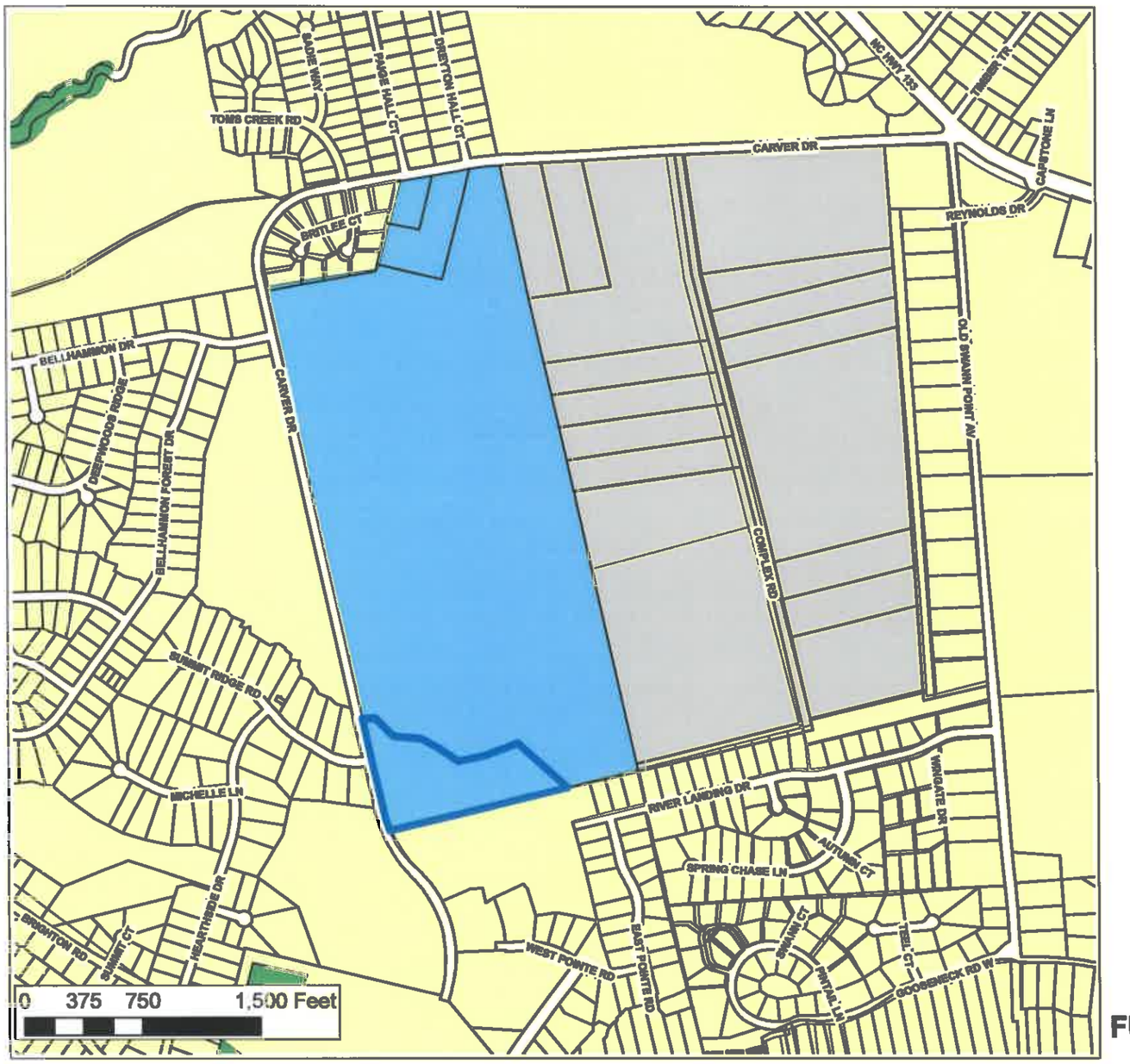
Case Number:
274-2016

Legend

- Subject Parcel
- GI, General Industrial
- O&I, Office & Institutional
- PD, Planned Development
- RP, Residential Performanc

N

CURRENT ZONING



Applicant:
Stroud Engineering

Owner:
Jack Stocks

General Use Rezoning

Case Number:
274-2016

Legend

Subject Parcel

Future Land Use

- Conservation
- Industrial
- Mixed Use
- Office, Institutional, Business
- Rural Growth
- Suburban Growth

N

FUTURE LAND USE

Applicant:
Stroud Engineering

Owner:
Jack Stocks

General Use
Rezoning

Case Number:
274–2016

Legend

Subject Parcel

2012 AERIAL

PLANNING STAFF REPORT
ZONING TEXT AMENDMENT

SUMMARY:

Hearing Date:	July 6, 2016 Planning Board August 15, 2016 Board of Commissioners
Applicant:	Stroud Engineering
Case Number:	ZTA 271-2016

Text Amendment Proposal: Stroud Engineering, applicant, is requesting the approval of a Zoning Text Amendment to the Pender County Unified Development Ordinance (UDO). Specifically, the request is to amend Section 5.2.3 Table of Permitted Uses, in order to allow borrow pit sand mining (considered to be harvesting of mineral resources for wholesale distribution under NAICS Use #212321), to be considered an allowable use in the PD, Planned Development zoning district, when in conjunction with and approved Master Development Plan.

RECOMMENDATION

The Administrator respectfully recommends approval of the Zoning Text Amendment to the Unified Development Ordinance as described in this report, as it is consistent with other areas of the Pender County Unified Development Ordinance and with the 2010 Pender County Comprehensive Land Use Plan. There are no known conflicts with any other approved plans.

AMENDMENT DESCRIPTION

The amendment is displayed in Attachment one. It specifically lists "Borrow Pit Sand Mining" as "PM" under Sector 21 of the Table of Permitted Uses. No additional changes have been requested. This means it would only be allowed when approved on a Master Development Plan.

A borrow pit is an area where material such as soil, gravel or sand, has been dug for use at another location. The applicant believes in some cases borrow pit sand mining would be beneficial in financially assisting future development. The materials could be mined on the development site being prepped for construction and then sold to be used elsewhere. When approved as part of the development process, this use would result in an area prepped for development.

2012 NAICS, Sector 21, Mining, Quarrying, and Oil and Gas Extraction contains these uses. It states that this industry group comprises establishments primarily engaged in developing mine sites, or in mining or quarrying nonmetallic minerals (except fuels). Also included are certain well and brine operations, and preparation plants primarily engaged in beneficiating (e.g., crushing, grinding, washing, and concentrating) nonmetallic minerals. Please see Attachment two.

Regulations for borrow pit sand mining are overseen by NCDEQ Division of Land, Minerals and Land Resources. Any final zoning approvals are contingent upon review and approval from NCDEQ. Specifically the permit is required for the breaking of the surface soil in order to facilitate or accomplish the extraction or removal of minerals, ores or other solid matter. Any activity or process constituting all or part of a process for the extraction or removal of minerals, ores, soils and other solid matter from their original location and the preparation, washing, cleaning or other treatment of minerals, ores or other solid matter that makes them suitable for commercial, industrial or construction use.

Regulations for approval of a Master Development Plan are contained in the Pender County Unified Development Ordinance, Article 3, Section 3.5. The purpose of this type of development is to ensure that development occurs in a manner that suits the characteristics of the land, is harmonious with adjoining property, is in substantial compliance with the goals and policies of the Land Use Plan and is in the best interest of the general public. Due to this process, each request to perform such mining could be carefully evaluated on a case by case basis.

EVALUATION

As prescribed in the Pender County Unified Development Ordinance Section 3.18.5, in evaluating any proposed Ordinance text amendment, the Planning Board and the County Commissioners shall consider the following:

1) The extent to which the proposed text amendment is consistent with the remainder of the Ordinance, including, specifically, any purpose and intent statements;
2) The extent to which the proposed text amendment represents a new idea not considered in the existing Ordinance, or represents a revision necessitated by changing circumstances over time;
3) Whether or not the proposed text amendment corrects an error in the Ordinance; and
4) Whether or not the proposed text amendment revises the Ordinance to comply with state or federal statutes or case law.

In deciding whether to adopt a proposed Ordinance text amendment, the central issue before the Planning Board and County Commissioners is whether the proposed amendment advances the public health, safety or welfare and is consistent with any adopted County Land Use Plan documents and the specific intent of this Ordinance.

2010 Comprehensive Land Use Plan Compliance

There are no conflicting policies within any adopted land use documents for the proposed Zoning Text Amendment. This Zoning Text Amendment request is consistent with one (1) goal and one (1) policy of the 2010 Comprehensive Land Use Plan and conflicts with none.

The following goals and policies within the plan may be relevant to the proposed Zoning Text Amendment:

Growth Management Goal 1A.1 Manage the physical growth and development of Pender County by promoting more intensive land uses in key locations identified for such growth while preserving and protecting the unique physical character and social assets of the predominant rural lifestyle and coastal environment that makes the County a unique place to live.

> **Policy 1A.1.5** The County supports a pro-business/pro-growth attitude, balanced by a concern for preserving the natural assets and quality of life factors that make the area attractive to visitors and permanent residents alike.

There are no conflicting policies in the 2010 Comprehensive Land Use Plan. There are no known conflicts with environmental policies.

RECOMMENDATION

The proposed text amendment is consistent with one (1) goal and one (1) policy within the 2010 Pender County Comprehensive Land Use Plan. The proposed amendment potentially creates an economic benefit. There are no known additional negative environmental consequences. Therefore, the Administrator respectfully

recommends approval of this zoning text amendment to the Unified Development Ordinance as described in this report.

BOARD ACTION FOR ZONING TEXT AMENDMENT

Motion: **Seconded:**

Approved: _____**Denied:** _____**Unanimous:** _____

Williams: ___ Fullerton: __ Baker: ____Carter:_____Edens: __ McClammy: __ Nalee: __

APPLICATION FOR TEXT AMENDMENT

THIS SECTION FOR OFFICE USE			
Application No.	ZTA 271	Date	5/24/16
Application Fee	$250	Receipt No.	163
Pre-Application Conference	5/13/16	Hearing Date	July 6, 2016

SECTION 1: APPLICANT INFORMATION

Applicant's Name:	Stroud Engineering, P.A.	RECEIVED
Applicant's Address:	102 - D Cinema Dr.	MAY 23 2016
City, State, & Zip	Wilmington, NC 28403	
Phone Number:	910-815-0775	PENDER PLANNING DEPT.

SECTION 2: UDO TEXT TO BE AMENDED

Current Text to be Amended (Please site accurate Article number referenced):

Proposed Text to be added:

SECTION 3: SIGNATURE

Applicant's Signature		Date:	5/20/2016

NOTICE TO APPLICANT

If the applicant makes significant changes to the application for a text amendment after the Planning Board has made its recommendation, the Administrator may refer the modified request back to the Planning Board for an additional public hearing.

TEXT AMENDMENT CHECKLIST

☒	Signed application form
☒	Application fee
☒	A letter describing, in detail the intent and purpose of the amendment presented, meeting the approval criteria set forth in Section 3.18.5 of the Pender County UDO (shown on page 1 of this application

Office Use Only

☒ ZTA Fees: $250		Total Fee Calculation:	
Payment Method:	Cash: ☐ $_____	Credit Card: ☐ Master Card ☐ Visa	Check: ☒ Check # _____

Application Received By:	Jessica Fisher	Date:	
Application completeness approved by:	Jessica Fisher	Date:	
Dates Scheduled for Public Hearings:	☒ Planning Board: July 6, 2016	☒ BOC: August 15, 2016	

Print Form

STROUD ENGINEERING, P.A.
CONSULTING ENGINEERS
102-D CINEMA DRIVE
WILMINGTON, NORTH CAROLINA 28403
(910) 815-0775

May 20, 2016

RECEIVED
MAY 23 2016
PENDER PLANNING DEPT.

Pender County Planning Department
Attn: Kyle Breuer
P.O. Box 1519
Burgaw, NC 28425

Re: Request to Amend 5.2.3 Table of Permitted Uses
Pender County Unified Development Ordinance

Mr. Breuer:

On behalf of Pender County resident Jack G. Stocks, I respectfully request consideration to amend the aforementioned table such that the harvesting of mineral resources for wholesale distribution, borrow pit sand mining, be considered an allowable use in a PD zone provided it is represented on the Master Development Plan. The intent of this proposed text amendment is to finance planned development through sale of mineral resource removed in creation of amenity and common area for the future benefit of the surrounding community. The mining activity could be conditioned by the PD Master Development Plan in similar fashion as the Special Use process. The ingress/egress, scope, term, and reclamation shall all be as conditioned by the Master Development Plan. There was similar allowance in the 2008 Ordinance. Mining is presently only allowed by Special Use in the RA and GI zones. The Unified Development Ordinance requires a mix of uses that complement the community. It can be construed that commercial mining serves to complement the end use in as much as the reclaimed mine becomes a lake serving both drainage and recreational purposes for the surrounding community. The dense presence of PD zoning in the vicinity of the proposed Hampstead Bypass could supply needed fill material for its construction through benefit to appropriately planned and permitted adjacent properties. Local supply would also reduce the burden on outlying roads. It is not the intent of this proposed text amendment to open the door to large scale mining operations. This is more fashioned to controlled scale sand mining supplemental to planned development construction. The reclaimed mine shall be planned to result in amenity to the development.

Sincerely,

James H. Pentress Jr. PE, PLS
Stroud Engineering, PA

Attachments

JHF/jf
W:\Master\PW-1241\Wpd\Text Amendment Cover Stocks Mine.doc

5.2.3 Table of Permitted Use

ATTACHMENT 1

Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
RESIDENTIAL											
SFD: Detached-Conventional		P	P	P	P	P					
SFD: Detached Zero Lot Line				P		P					
SFD-Attached: Duplex		P	P	P		P					
SFD-Attached: Multiplex				P		P					
SFD-Townhouse (5+ attached)				P		P					
Multifamily (condominium/apartment)				P		P					
Upper Story Residential						P	P	P			
Accessory Dwelling		D	D	P		D					
Accessory Dwelling on Non Residential Principal Uses		D				D			P	P	
Manufactured Home		P	D		P						
Manufactured Home Park					PMD						
ACCESSORY USES AND STRUCTURES											
Accessory Structures		P	P	P	P	P	P	P	P	P	
Cottage Occupations		SD	SD	SD		SD	SD				
Home Occupation		D	D	D	D	D	D				
Agritourism Activities on active farms		D	D			D					
Sector 21: MINING, QUARRYING, OIL AND GAS EXTRACTION											
Nonmetallic Mineral Mining & Quarrying	2123	S								S	
Except: 212392 Phosphate Rock Mining											
Except: 212321 Borrow Pit Sand Mining						PM					
Sector 22: UTILITIES											
Fossil Fuel Electric Power Generation	221112									S	
Other Electric Power Generation	221119	S	S			S			P	P	
Electric Bulk Power Transmission & Control	221121	S	S	S	S	S	S	S	P	P	
Natural Gas Distribution Except Transmission Lines	221210									P	
Water Supply Facilities*	221310		S			PM				P	
Sewage Treatment Facilities*	221320		S	PMD/S		PMD/S				P	

ATTACHMENT 2

2012 NAICS Definition

T = Canadian, Mexican, and United States industries are comparable.

212321 Construction Sand and Gravel Mining

This U.S. industry comprises establishments primarily engaged in one or more of the following: (1) operating commercial grade (i.e., construction) sand and gravel pits; (2) dredging for commercial grade sand and gravel; and (3) washing, screening, or otherwise preparing commercial grade sand and gravel.

Cross-References.

- Establishments primarily engaged in mining industrial grade sand are classified in U.S. Industry 212322, Industrial Sand Mining.

2002 NAICS	2007 NAICS	2012 NAICS	Corresponding Index Entries
212321	212321	212321	Common sand quarrying and/or beneficiating
212321	212321	212321	Construction sand and gravel beneficiating (e.g., grinding, screening, washing)
212321	212321	212321	Construction sand or gravel dredging
212321	212321	212321	Gravel quarrying and/or beneficiating
212321	212321	212321	Pebbles (except grinding) mining and/or beneficiating
212321	212321	212321	Sand and gravel quarrying (i.e., construction grade) and/or beneficiating
212321	212321	212321	Sand, construction grade, quarrying and/or beneficiating

Pender County
Planning and Community Development

Planning Division
805 S. Walker Street
PO Box 1519
Burgaw, NC 28425

Phone: 910-259-1202
Fax: 910-259-1295
www.pendercountync.gov

MEMORANDUM

To: Pender County Planning Board

From: Planning Staff

Date: July 6, 2016

RE: TRC Update

Technical Review Committee Update

Meeting Date	July 6, 2016				
Case Name	**Case Type**	**Case Number**	**Staff Contact**	**Description**	**Location**
Wanet Landing	Master Development Plan and Preliminary Plat	299-2016	Ron Meredith	The project proposal consists of forty-six (46) single family lots	On the south side of NC HWY 210 between Clarks Landing Loop Road (SR 1427) and Apple Blossom Drive (private).
Sparrows Bend	Conditional Rezoning	305-2016	Jessica Fiester	Approximately 78.39 acres from RP, Residential Performance zoning district to RM- CD 2, Residential Mixed Conditional zoning district. The request is to allow only the following NAICS uses: Single Family Detached Homes (NAICS 236117) and Apartments (NAICS 236116) in a proposed residential subdivision to be called Sparrows Bend. The project proposal consists of 264 apartment units and 135 single family homes with associated neighborhood amenities	On the north side of US HWY 17 behind the Bailey Shops and may also be accessed off of the east side of Hoover Road (SR 1569).

Meeting Date	June 7, 2016				
Case Name	Case Type	Case Number	Staff Contact	Description	Location
Arbor Landing: Ridge Care	Master Development Plan/ Major Site Plan	276-2016	Patrick O'Mahony	Assisted Living Facility	Along the west side of US HWY 17 between Washington Acres Road (SR 1582) and Hughes Road (SR 1618)
Penderlea School	Major Site Plan	278-2016	Patrick O'Mahony	± 63,000 sq. ft. school with 29 classrooms	At the intersection of Penderlea Highway (SR 1332) and Racoon Road (SR 1328)
Blake Farm Single Family Phase I B	Preliminary Plat	280-2016	Ron Meredith	30 single family residential lots	On the west side of US HWY 17 in Scotts Hill, in the approved Master Development Plan known as Blake Farm
Hampstead Commons	Master Development Plan/ Preliminary Plat	279-2016	Ron Meredith	72 single family residential units and commercial development	to the West of Country Club (SR 1565) approximately 2,000 ft. to the North of the intersection of Kings Landing Road (SR 1567) and Country Club Drive (SR 1565)
Pender Land Greenway Park	Master Development Plan	270-2016	Ron Meredith	121 single family residential units and future development to include dedicated park land, multi-family and commercial development	To the West of US HWY 17 and to the East of Country Club Drive (SR 1565) with access on both US HWY 17 and Country Club Drive just southwest of Hampstead Kwianis Park